

Application Number	21/01595/AS		
Location	Waterbrook Park, Waterbrook Avenue, Sevington, Kent		
Grid Reference	03385/ 40119		
Parish Council	Sevington		
Ward	Mersham, Sevington South with Finberry		
Application Description	Reserved matters application to consider access, appearance, landscaping, layout and scale pursuant to outline planning permission 18/00098/AS for the development of 364 dwellings, a convenience/farm shop/ café building, wetland area, landscaping, open space, drainage, parking and other associated infrastructure		
Applicant	Mulberry Homes/GSE		
Agent	Ms S Innes Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH		
Site Area	13.32 Hectares		
(a) 19 R	(b) Sevington X Mersham X Kingsnorth R	(c)	ABC Refuse 'X', ABC Recreation 'X', ABC Housing 'X', ABC EP 'X', EA 'R', KCC Flood 'X', Kent Highways 'X', KWT 'X', KCC PROW 'X', Fire 'X', HSE 'X', NE 'X', NH 'X', Ramblers 'R', River Stour 'X', SGN 'X', SW 'X', SE 'X'

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Councillor Bartlett. The original application submission made in September 2021 has been amended through negotiations with officers. The main changes are as follows:
 - (i) A reduction in the total number of dwellings proposed from 400 to 364.
 - (ii) The substantial increase in the provision of public open space within the residential parcels themselves. There are now three main areas of public open space provided within the residential areas of the development.

These comprise a main central public open space with play facilities, and two smaller public open spaces, one in the south-eastern residential parcel and the other in the north-western parcel on the boundary with the new proposed linear park.

- (iii) Internal layout and changes to the proposed housing typologies in response to officer and external consultee technical advice.
- (iv) The omission from the scheme of an extended section of Waterbrook Avenue that would have been located close to the boundary with Cheeseman’s Green Lane. The extended part of Waterbrook Avenue would now be set away from Cheeseman’s Green Lane, with no vehicular link proposed through the site onto Cheeseman’s Green Lane.

Site and Surroundings

- 2. The application site extends to approximately 13.32 hectares of land located off Waterbrook Avenue forming the south-western part of the wider Waterbrook site located south off the A2070 Bad Munsterefiel Road, approximately 1.5 km from Junctions 10 and 10a of the M20.
- 3. The application site currently comprises of a combination of undeveloped land, the former Waterbrook lorry park, the Waterbrook Avenue spine road and roundabout, and part of the southern tree-lined boundary along Chesseman’s Green Lane. The site location plan is shown in Figure 1 below.



Figure1: Site location plan

4. The application site is surrounded by Waterbrook Park to the north and east, containing a mix of commercial uses. To the north-east is a Jaguar/Land Rover car dealership and SME units located off Arrowhead Road, with the VOSA site further to the north. To the east is the newly constructed 600-space lorry park and an existing rail sidings. To the north, Reserved Matters approval has been granted for an ALDI superstore which remains currently undeveloped. The remaining areas to the north known as sites A and C have outline planning permission for a range of commercial uses granted under the original planning permission (ref 18/00098/AS) in 2019 for the wider Waterbrook site.
5. To the south is Cheeseman's Green Lane and its extensive woodland boundary with open countryside beyond. To the west is the East Stour River and South Willesborough Dykes Local Wildlife site that closely follows the river. The wider Ashford Green Corridor runs either side of the East Stour River corridor and includes a small part of the south-western area of the application site and southern woodland adjoining Cheeseman's Green Lane. The area around the river corridor lies within higher risk Flood Zone areas 2 and 3 which also extend into the south-western part of the application site. A PROW AE658 runs along the River Stour boundary to the west and part of the southern boundary woodland area adjacent to Cheeseman's Green Lane boundary.
6. As shown in Figure 1 above, the red line application site area excludes a narrow corridor of land extending from the southernmost point of the proposed main access along Waterbrook Avenue, as well as a part of the tree-lined boundary with Cheeseman's Green Lane. An access onto Cheeseman's Green Lane was initially shown in this area but this has been omitted from the proposals in response to officer advice. This land is within the ownership of the applicant but it is now not included within the application site boundary.
7. The nearest existing dwelling to the site is the detached house 'Pattison' sited off Cheeseman's Green Lane located within the southern woodland area adjacent to Cheeseman's Green Lane. The Finberry residential development lies around 200m to the west.

Proposal

8. This application seeks Reserved Matters approval of the access, appearance, landscaping, layout and scale of the development pursuant to outline planning permission 18/00098/AS. This application proposes the development of 364 dwellings, a convenience/farm shop/café building, a wetland area, landscaping, open space, drainage, parking and other associated infrastructure.
9. In summary, the proposals are as follows:

- (i) 364 dwellings sited in three residential parcels with public open space areas and a small-scale (150 sqm) single-storey convenience farm shop/café building centrally located.
 - (ii) A new 'linear park' area of public open space surrounding and linking the residential parcels with a range of features such as pathways and cycleways, SUDs and areas for tree planting and habitat creation.
 - (iii) A new wetland area located in the south-western corner of the site, which forms part of the applicant's proposed nutrient neutrality mitigation.
10. The residential development consists of 364 dwellings located within three main residential parcels accessed off the main Waterbrook Avenue. The original planning permission 18/00098/AS approved the main Waterbrook Avenue access into the site, the central roundabout and western access arm towards Finberry. The S.106 Agreement for the original application ref 18/0098/AS requires the western arm (called the Waterbrook Link Road East) to be provided, which would link with the corresponding section to be provided from the Finberry development to the west, as required under the terms of that development's S.106 Agreement (application ref 11/0473/AS). The approved road drawing from the S.106 Agreement for application 18/0098/AS is show in Figure 2 below.

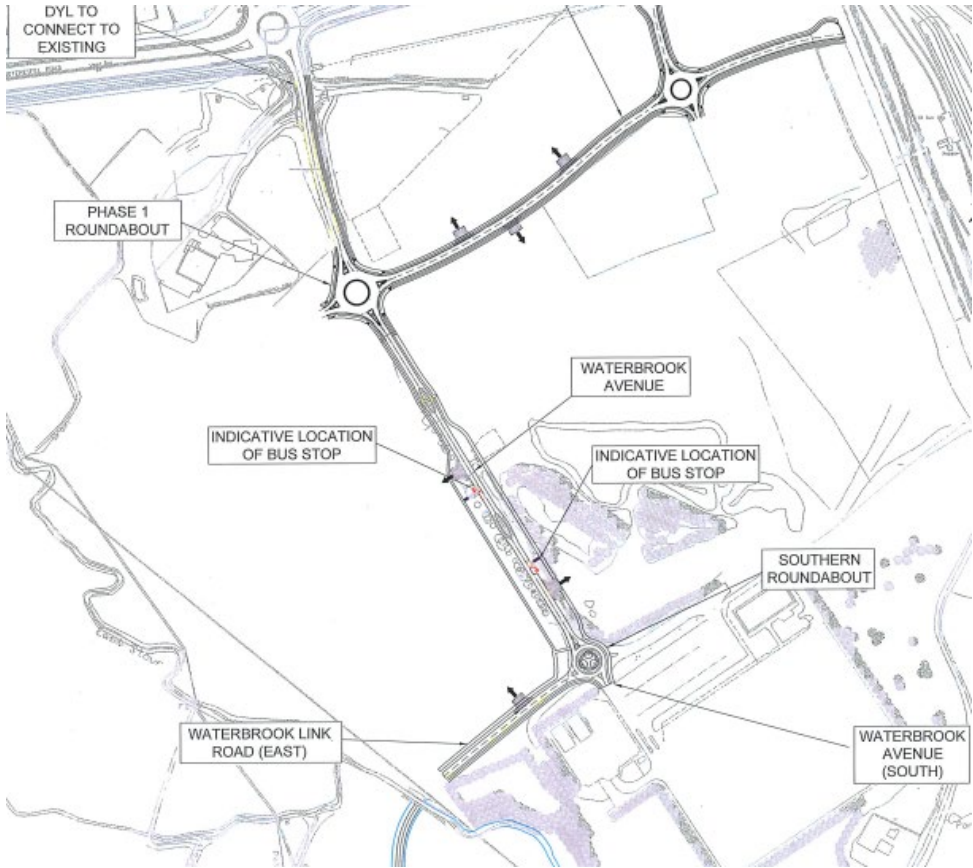


Figure 2: Planning permission 18/00098/AS approved road drawing

11. A key aspect of the scheme is the creation of the parkland landscaping referred to as 'linear park' which is a substantial green buffer that is proposed to surround and connect the residential areas within the site. This included suds features, habitat areas, such as wildflower and grassland, and pedestrian and cycleway links connecting the residential areas, including the creation of a 2.5km circular walk. It is also proposed to upgrade the PROW AE658 along the East Stour River section to a bridleway. A parameter plan showing the development areas is shown in Figure 3 below.



Design Philosophy & Aspirations Plan

- 1** - Access Approach
- 2** - Entrance to Residential
- 3** - Landscaping Environment
- 4** - Access Road
- 5** - Residential (Character Areas section 6.0)
- 6** - Play Space / Active Space

Figure 3: Development areas

- 12. The proposed 364 dwellings would consist of 5 x 2 bed 'flat over garage' (FOG) units, 6 x 1 bed maisonettes 102 x 2 bedroom, 103 x 3 bedroom and 148 x 4 bedroom houses. All dwellings are proposed to be two-storeys in height. A total of 10% of the dwellings would be affordable housing, in accordance with the terms of the S.106 Agreement for this development. There are three public open space areas within the residential parcels themselves. A main central space and play area of 0.43 hectares in size is located east of the Waterbrook Avenue roundabout, whilst there are two smaller areas, one located to the centre of the south-eastern parcel which is 0.26 hectares in size, and the other on the western boundary of the north-western parcel which is 0.28 hectares in size. The proposed site layout is shown in Figure 4 below.



Figure 4: Site layout

- 13. A key design objective of the entrance into the site is the creation of a gateway feature by the use of strong landform and planting to frame the entrance into the site and create an impression of narrowing the landscape. Large, fast-growing ornamental conifers would be planted either side of the road to further frame the entrance into the site. The main access into the site along Waterbrook Avenue would be a tree-lined avenue with a generous landscape width either side of the road, forming a linear green space.

14. The dwellings would have a mixture of pitched and gable roofs and be finished in a mixture of red, red multi, orange multi and buff brickwork, cream render, black weatherboarding, and tile hanging. Roof finishes would be a combination of plain grey, red and brown roof tiles, and double pantiles.

15. The residential parcels are proposed to be split into five main character areas:

- Farmstead
- Gateway Link
- Boulevard
- Mews
- Parkland Edge

16. The character areas are shown in Figure 5 below.



- Key:**
- Farmstead
 - Mews
 - Parkland Edge
 - Gateway Link
 - Boulevard

Figure 5: Character areas

17. The character areas would have the following characteristics:

Farmstead

18. This relates to the multi-functional building at the centre of the site providing a focal point by the main roundabout adjoining the main central public open space. It is a single-storey building with a pitched roof and is proposed as part of Condition 25(f) of the outline planning permission 18/00098/AS which allows for a maximum combined floorspace of 150sqm for any A1/A3/A5 (now class E/sui generis) uses located within the residential area. The elevations of the proposed building are shown in Figure 6 below.

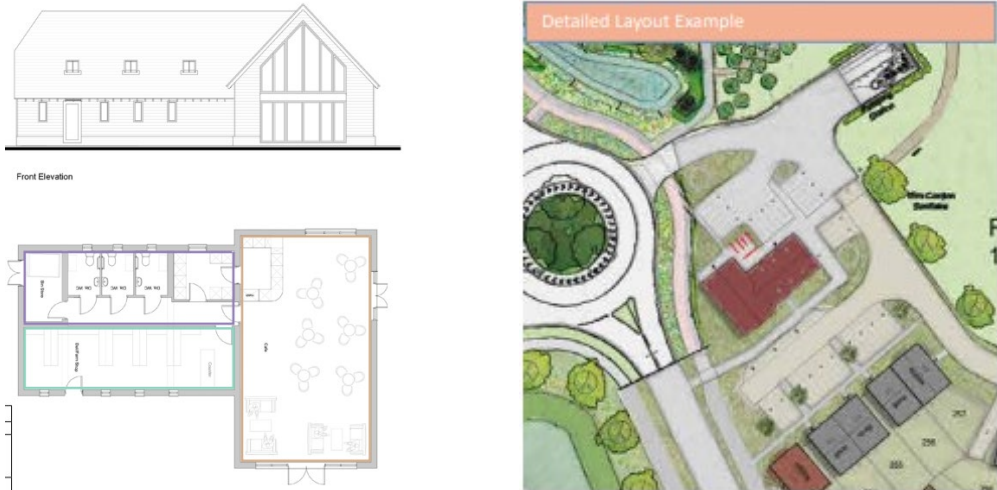


Figure 6: Farmstead building

The Gateway Link

19. This predominantly follows the length of the main access road, into the site along Waterbrook Avenue and consists of two-storey detached and semi-detached dwellings bound by landscaping and meandering footpaths of medium density. A regimented building line has been avoided with an irregular built form introducing pinch points and zones between the road junctions into each residential parcel, with landscaping provided between the access road and the building. A detailed layout and street scene example are shown in Figure 7 below.

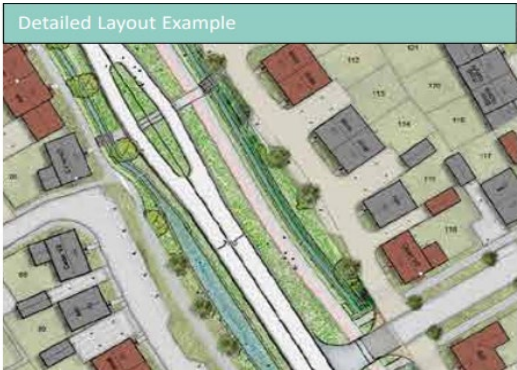




Figure 7: Gateway link layout street scene example

Boulevard

- 20. These areas are situated within the centre of the residential parcels and comprise of medium/high density two-storey dwellings that are predominantly detached and semi-detached. They would have a more continuous building line and formal arrangement with larger setbacks from the highway to allow for grass verge and tree-lined avenues. A detailed layout and street scene example are shown in Figure 8 below.





Figure 8: Boulevard street layout and street scene example.

The Mews

- 21. The mews courtyards are high-density blocked paved pedestrian-friendly zones. The dwellings would be predominantly terraced but with some detached and semi-detached dwellings located within the three residential parcels. These have a more formal arrangement and a continuous building line. A detailed layout and street scene example are shown in Figure 9 below.

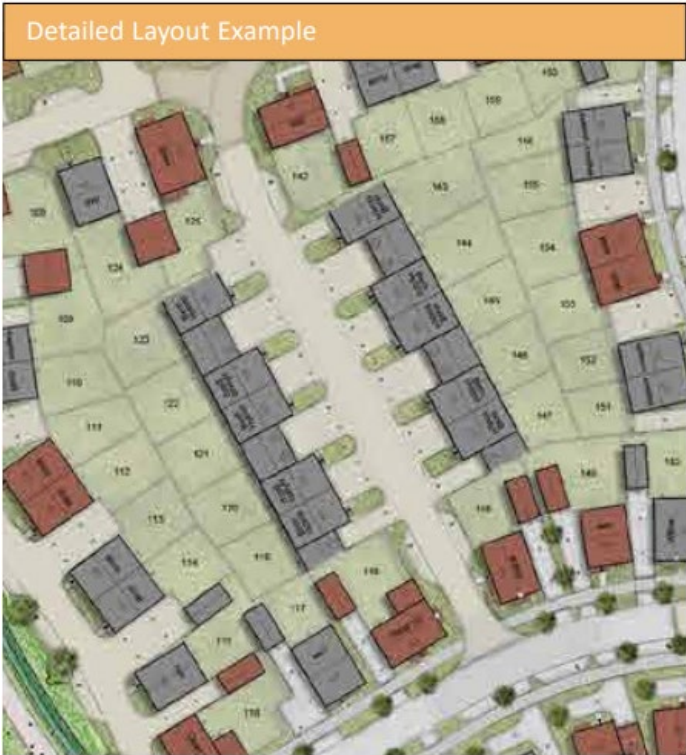




Figure 9. The Mews layout and street scene example.

The Parkland Edge

- 22. These are generally low density areas located at the outer edges of the residential parcels typified by larger detached dwellings that form an informal, rural edge to the area of public open space around the outskirts of the development. The building line is of an organic form to the rural edge in order to allow landscaping to filter into the development. A detailed layout example is shown in Figure 10 below.





Figure 10. Parkland Edge layout and street scene example

23. The exception to this is the northern parkland edge area forming the main entrance into the site along Waterbrook Avenue. This contains terraced crescent buildings either side of Waterbrook Avenue and FOG units to the rear. The street scene at the north entrance along Waterbrook Avenue is shown in Figure 11 below.



Figure 11. Terrace crescent at north entrance along Waterbrook Avenue

24. Across the development, hard boundary treatments would be a combination of 1.8m high brick walls and half brick and timber panel walls which would be sited on the more prominent boundaries fronting the public realm, as well as 1.8m high timber close-boarded and panel fencing separating private gardens or less prominent external boundaries. This would be combined with soft landscaping such new hedgerows and tree planting on the front and side boundaries of the dwellings.

25. The residential parking provision is proposed to the following standards:
- (i) 2/3 bed dwellings - 2 spaces.
 - (ii) 4 bed dwellings - 3 spaces.
 - (iii) 0.2 visitor parking spaces per dwelling.
 - (iv) 0.5 visitor spaces per tandem parking space.
 - (v) Garages are provided for a number of larger typologies but are not counted towards the required parking allowance.

26. The car and cycle parking is proposed to accord with the Ashford Local Plan standards, with electric vehicle charging points provided for each dwelling, in

accordance with the requirements of the outline planning permission under condition 72. A total of 178 visitor spaces are proposed, spread out throughout the site and mainly in off-street parking bays. The convenience/farm shop/café building would have eleven parking spaces provided in an adjacent parking court.

- 27. The majority of refuse bins would be stored in rear gardens and wheeled out to the property frontage on bin collection day. Some dwellings, such as the crescent typologies at the north of the site, would require rear access points. There are also some refuse collection points proposed to serve properties where it is not possible to provide collections directly from the plot, such as the northern crescents and the smaller private drive areas.
- 28. The applicant proposes 37 dwellings to be shared ownership affordable housing units, comprising of 10% of the total number of dwellings proposed. This is in accordance with the requirements of the S.106 Agreement. The 37 dwellings would be located in four separate clusters around the northern parcel of the site and would comprise 36x two-bedroom and 1x three-bedroom houses.
- 29. A new wetland area is located in the south–western area of the application site. This is proposed as part of the applicant’s nutrient neutrality mitigation package which is intended to ensure no adverse effects on the Stodmarsh Special Area for Conservation, Special Protection Area, Ramsar and Site of Special Scientific Interest. The area comprises of a series of wetland cells, mostly comprising of marsh areas with some open water and wildflower edges separately by grass berms of only a few meters in width. A pumping station measuring 6 x 4.5m and 3.4 m high is also provided in the area. A more detailed plan of the proposed wetland and pumping station is shown in Figure 12 below.



Figure 12: Detailed plan of the wetland.

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 Planning Committee 13th December 2023

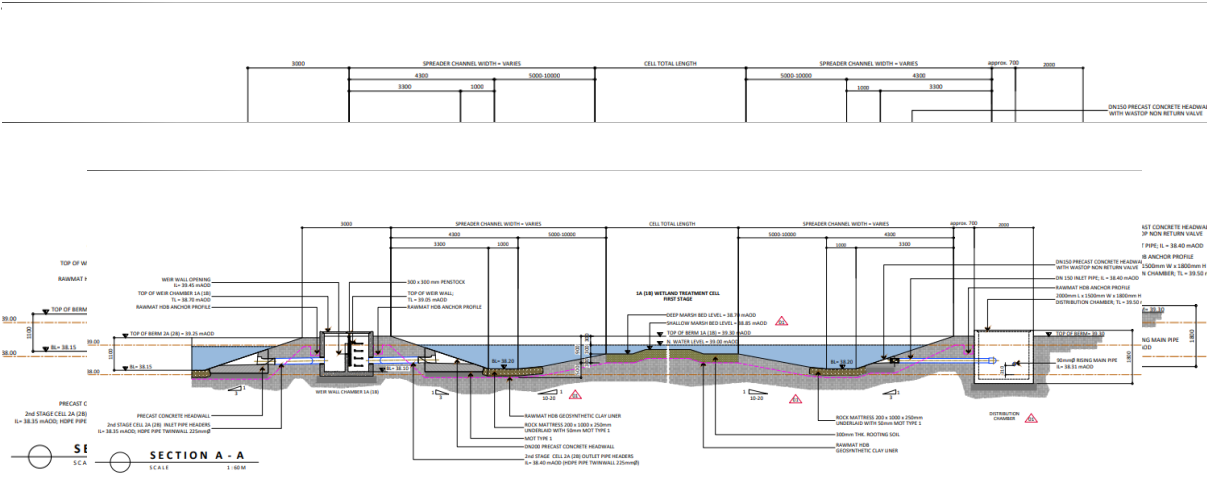


Figure13: Cross-section of the wetland

31. An Arboricultural Tree Survey and Impact Assessment Report has been submitted. The trees surveyed consist primarily of early mature and mature species with three woodlands, four trees and eleven groups surveyed. Trees within the proposed residential site currently have a low/moderate amenity value within the wider treescape and site. The woodlands and groups located on the southern boundary have a high amenity value within the wider treescape and site providing a screen between the development and land beyond.
32. To facilitate the residential development and internal open space, the proposals would result in the removal of one category B (moderate quality) and two category C (low quality) individual trees, along with the removal of one category B (moderate quality), one category C (low quality) group of trees and the part removal of one category B (moderate quality) group of trees. To facilitate the wetland and other features in the south-western part of the application site, the removal of one group of category B (moderate quality) trees, and the part removal one category B (moderate quality) trees and one category C (low quality) trees group of trees is proposed.
33. The following supporting information is provided with the application.
 - Arboricultural Tree Survey and Impact Assessment Report
 - Amphibian / Reptile Receptor Site Assessment
 - Drainage surface water technical note
 - Design and Access Statement
 - Ecological Impact Assessment
 - Environmental Statement Addendum
 - Mitigation Strategy for great crested newts, reptiles, and other amphibians
 - Nutrient Neutrality Assessment and Mitigation Strategy
 - Mitigation Strategy - reptiles
 - Preliminary Ecological Survey Report

- Planning Statement
- Preliminary Ecological Appraisal
- Wetland Design and Specification
- Written Scheme of Investigation for Geoarchaeological Evaluation

Planning History

34. The following is relevant relating to the application;-

18/00098/AS: Hybrid planning application for mixed-use development comprising (1) application for full planning permission for the construction and operation of a 600-space truck stop; a 2,162 sqm GIA service building providing 1,734 sqm GIA of ancillary truck stop service facilities and 878 sqm GIA of B1 offices; buildings providing 6,308 sqm GIA B1 (b and c only), B2 and B8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for 8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to 2,323 sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car showrooms (sui generis); and up to 400 residential dwellings, with class A1, A3 and A5 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure. **Planning Permission granted August 2020 subject to section 106 agreement.**

18/000868/CONQ/AS: Part discharge of condition 24(B) (Development Brief). **No decision at present.**

OTH/2023/043: Non-material amendment to planning permission 18/00098/AS (Hybrid planning application for mixed-use development) to change the drawing number related to condition 26. **Approved October 2023**

11/00473/AS: 1,100 dwellings and 70,000 square metres of business floor space together with mixed use; community facilities; access roads; footpaths; cycle routes; landscaping and public open space. Application for the nearby Finberry development. **Approved June 2012, subject to S.106 Agreement.**

Consultations

Ward Member(s): Councillor Bartlett has requested the application be determined by the Planning Committee as it is a substantial development in the Parish.

ABC Environmental Contracts & Operations Officer: The proposed refuse collection arrangements are acceptable.

ABC Environmental Property and Recreation: Comment in summary:

- (i) Outline the requirements of the Section 106 Agreement for informal public open space and equipped formal play.
- (ii) 368 dwellings generates a need for 1.77 hectares of public open space and 0.42 hectares of play space.
- (iii) The proposed open space provision is acceptable.

ABC Housing: Comment in summary:

- (i) Only 10% shared ownership properties (equating to 37 homes) on this site were required as part of the original application for this development, ref 18/00098.
- (ii) The plots identified in the plan are agreeable. As previously noted these will all be for shared ownership.
- (iii) In line with Policy HOU14 of the local plan, 20% of all dwellings should be M4(2) standard, i.e. accessible and adaptable and the onus is on the applicant to indicate the specific plots that will be provided within this standard.
- (iv) Though the site is over 140 units in size there are no affordable rent units, therefore there is no requirement in our view for any M4(3) units.

ABC Environment Protection: Comment in summary:

- (i) A land contamination investigation and report, as required by condition 56 of planning permission 18/00098/AS, will need to be carried out prior to the start of groundworks for the residential development.
- (ii) Condition 57 of planning permission 18/00098/AS (relating to unknown land contamination discovered during the development of the site) will need to be adhered to and a closing/verification report submitted once each zoned area is completed.
- (iii) Request further conditions for a scheme for protection of dwellings from noise from the proposed commercial development, a noise rating from any plant and equipment installed on site, a scheme and maintenance schedule for the treatment of fumes, dust and vapours generated by cooking or any other activity on site, a code of construction practice and electric car charging points.

Environmental Agency: Object making the following comments:

“Fisheries, Biodiversity and Geomorphology (FBG)

The submitted planning application and associated documents indicate that works including tree removal and landscaping within the buffer zone of the East Stour will be required as part of the proposed development. These activities will require Flood Risk Activity Permit under the Environmental Permitting Regulations 2016 (FRAP), which is unlikely to be granted for the current proposal.

We therefore object to the proposed development, due to its impacts on ecology, physical habitats and Water Framework Directive (WFD) requirements. We recommend that planning permission is refused.

Reasons:

In determining the flood risk activity permit for this development, we will assess its compliance with the South East River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies.

It has been stated within the responses to the Environment Agency that the closest distance between the cells and the riverbank is 8.5m, and at the furthest the distance is >25m. However, the diagram (The General Arrangement of Proposed Wetland) indicates that there will be tree removal works and landscaping within this buffer area. Changes to bank habitats may also affect the Water Framework Directive (WFD) status of the watercourse

River corridor habitats are essential to lessen the impacts of habitat fragmentation and assist in protecting the river habitat from anthropogenic influences.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Overcoming our objection

The applicant is required to submit a full WFD assessment as well as detailed plans on the proposed tree removal and landscaping plans within 10m of the top of the bank of the East Stour. Fish and Eels The applicant must create and implement a Fish Rescue Plan. This plan must detail how fish that have been trapped within the scheme either by flooding or any other means, are to be returned to the river. Furthermore, the design of the inlet and outlet must be fish and eel friendly.

Long-term Management Plan

The applicant must submit a detailed long-term Management Plan to the LPA for the wetland proposal. This Management Plan must include details of the ecological features of the site and how they will be protected and enhanced. Beavers. We welcome the proposals of mitigating for burrowing animals, specifically beavers, within the design of this scheme. However, it is stated that to mitigate the risks of beaver activity on the site, certain tree species will be avoided when planning the landscaping. Beavers have been found to feed on over 450 plant species and are

very much herbivorous generalists. Furthermore, these tree species are a natural, and essential, part of river ecology. We therefore advise that the applicant re-think this approach to landscaping as selective tree planting will be an ineffective method of mitigation and the river corridor must be maintained as a natural feature

Please note that the above comments only relate to FBG. We have other comments to make in relation to issues within our remit, which will be provided once our above objection has been overcome. If the applicant would like us to review a revised technical report prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our cost recovery service. If they wish to request a meeting, or document review, please contact our team email address at KSLPlanning@environment-agency.gov.uk.”

Further additional comments

“We maintain our objection as we require more information. Reasons: A full Water Framework Directive (WFD) assessment is required for consultation. This assessment must detail the potential impacts the proposed development and nutrient mitigation wetland may have on WFD requirements, riparian and aquatic features and any proposals to enhance the river corridor.

This objection is supported by paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

Given our current understanding of the river and increased pressure that further, multiple nutrient mitigation wetlands will have on it, we require relevant and sufficient detail to ensure the river habitats and ecosystems will not deteriorate.

Please note that the above comments only relate to Fisheries, Biodiversity and Geomorphology. We have other comments to make in relation to issues within our remit, which will be provided once our above objection has been overcome.

Overcoming our objection

The applicant should provide a WFD assessment, in support of this application as detailed above.”

KCC Ecological Advice Service: Comment in summary:

- (i) The site has a variety of habitats within it including hedgerows, mixed scrub, bare ground, grassland, woodland and ditches. The site is adjacent to the South Willesborough Dykes LWS.

- (ii) Satisfied with the results of the submitted ecological surveys which found bats, birds, great crested newts, dormouse, reptiles, roosting bats, water vole and potential for beaver within the river.
- (iii) Satisfied that the submitted landscaping plan has demonstrated that the layout has been designed to create a buffer between the LWS, East Stour River and the residential areas to minimise impacts on the river and LWS. Lighting and recreation may have an impact on these areas. Need to ensure that the site is managed appropriately to ensure that the habitat depicted within the landscaping plan is established and retained as intended.
- (iv) The proposal will result in the loss of scrub, woodland, hedgerow and grassland habitat. Mitigation for the loss of habitat is proposed to be carried out within the site and an overview of the proposed mitigation has been provided.
- (v) There is a need to ensure that the habitat is created, enhanced and managed as required as part of the species mitigation.
- (vi) Increase recreational pressure (footpath use) could cause disturbance to birds breeding in areas. Breeding birds, including Nightingale and Barn Owl, were recorded within the SW of the site and the increased recreational pressure is likely to result in a disturbance of these and other species.
- (vii) The impact from recreational pressure could also have an impact on the success of the habitats establishing within the site (areas of tussocky grassland/scrub) which will be used as the receptor site (reptile/GCN).
- (vii) As the current receptor site will be lost to create the wetland area there is a need to ensure that the replacement habitats created will be high quality and retained in the long term. The applicants have confirmed that this area will be fenced off from residents.
- (viii) In terms of required species mitigation there is a need to ensure that the habitat creation, enhancement and ongoing management is implemented to ensure the habitats meet the quality needed.
- (ix) Landscaping plan to be updated showing the thick area of scrub is proposed on the eastern boundary (near the lorry park) as habitat to benefit biodiversity to be updated as thick scrub
- (x) The need for the detailed lighting plans to demonstrate that the majority of the open space has minimal lighting to minimise the impacts the proposal will have from lightning. We recommend that the circular route/PROW does not have any artificial lighting within it.
- (xi) The applicant has confirmed that the area will be managed by a company with the skills/experience to manage open space to benefit biodiversity.
- (xii) The intention is to implement the scheme under the District Licence Application and therefore we advise that there is a need for a signed Impact Assessment and Conservation Payment Certificate (IACPC) to be submitted as part of this application and understand that this is currently in progress with the NE/Applicant.
- (xiii) There are existing conditions associated with the outline planning permission which require the submission of a detailed mitigation strategy and a management and monitoring plan.

- (xiv) Due to other regulatory requirements, the habitat creation requirements have changed since the outline planning permission was required. Therefore KCC recommend that there is a need for a habitat creation plan to be required as a condition of this application.

KCC Flood and Water Management: Comment in summary:

Raise no objection to the approval of the reserved matters in relation to surface water provision for this site but would expect certain matters to be addressed at the detailed design stage. These are (i) clarification of the hydraulic calculations and (ii) evidence to be provided which demonstrates the 'drawdown' of the provisioned allocations for the other areas which also connect to the wider strategic network in order to demonstrate that sufficient capacity exists for the proposals.

Kent Highways and Transportation: Have the following comments:

"The recently provided Surface Finishes Sheets 1 to 3 provide more details in relation to the proposals for the table junction features. This settles my previous query relating to pedestrian access into the minor side junctions.

Unfortunately the following issue from my response dated 5th April has not been updated. This issue will not be acceptable at S38 highway adoption stage, so this still requires revision:

Table junction ramps should not be located half way along access to private parking. This would make construction difficult and the end result look untidy: Plots 160 and 267. Revision is required.

A significant number of street trees are indicated as being located within the adoptable highway boundary. Not all species are accepted as suitable to be within the highway and I would advise early consultation with this regard when the proposal reaches S38 submission stage. Likewise at this stage method of root retention will be required to prevent damage to the highway and stats equipment.

I also note that entry features have been added to shared space low traffic areas of the site which are to remain in private ownership. This is an improved design. Many of these still do not have footway by-pass of the ramped carriageway area, so these ramps should be designed with a maximum gradient suitable for pedestrians.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway".

Kent Police: Comment in summary:

- (i) Our requirements regarding layout and security have now been met.

- (ii) It is currently too early to determine specifications for lighting, doors and windows at this stage and ask these are dealt with under the Building Regulations, or alternative conditions which can be addressed at a later date.

KCC Heritage: Comment in summary:

No objection. The details of this stage of archaeological evaluation, publication and interpretation works required pursuant to condition 53, 54 and 55 of planning permission 18/00098/AS are acceptable, although these need to be formally discharged by a separate application.

Kent Wildlife Trust: Comment in summary:

“Kent Wildlife Trust (KWT) have provided previous comments on the application in September 2021 and April 2023. Our main concerns were over the loss of and fragmentation of an area of deciduous woodland, lack of suitable buffer zones between the development and habitats within the Ashford Green Corridor and the loss of an existing reptile receptor site to accommodate space to provide Nutrient Neutrality (NN). In our previous comments we strongly urged for grassland and scrub within the south of the site to be maintained and enhanced to benefit existing wildlife and for more information regarding breeding birds, particularly barn owl and nightingale.

From reviewing the additional information provided within the application, we note that some of our concerns have been addressed. However, KWT still disagree with the proposal to move reptiles out of the existing reptile receptor area to accommodate the delivery of NN. The delivery of environmental legislation, such as NN, should not be at the detriment to existing important ecological features and habitats. Please ensure that KCC Ecology and Natural England are consulted regarding ecology and European designated site”

KCC PROW: Comment in summary:

- (i) Public Footpath AE658 is to be upgraded to Public Bridleway as required with an increased width as agreed.
- (ii) It is noted the alignment of the route is to be “determined to avoid removal of existing trees” and advise that KCC PROW and Access are part of the determination to ensure any proposed amendment to the alignment is appropriate.
- (iii) A Creation Agreement with landowner consent, should be entered to upgrade from Public Footpath to Public Bridleway.
- (iv) Informative requested in relation to public footpath requirements.

Kent Fire and Rescue: Comment on emergency access requirements to be established in the event of planning permission being granted.

HSE: Comment the site does not currently lie within the consultation distance of a major hazard site or major accident hazard pipeline.

National Highways: No objection.

Natural England: Comment in summary:

- (i) As submitted, the application could have potential significant effects on
- Stodmarsh Special Area of Conservation (SAC)
 - Stodmarsh Special Protection Area (SPA)
 - Stodmarsh Ramsar Site
 - Stodmarsh Site of Special Scientific Interest (SSSI)
 - Stodmarsh National Nature Reserve (NNR)
- Henceforth referred to collectively as the Stodmarsh designated sites.
- (ii) Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation as follows:
- Detail on what nutrient credits will be agreed and secured to deliver nutrient neutrality for phases 1, 2 and 3.
 - Consideration of mitigation measures at appropriate assessment stage by the competent authority. Without this information, Natural England may need to object to the proposal.
- (iii) Liaise closely with the Environment Agency, as the permitting authority responsible for any required abstraction licence, to determine the practical certainty of the treatment wetland as a mitigation measure.

River Stour IDB: Comment in summary:

- (i) This site sits largely within the River Stour (Kent) Internal Drainage Board's (RSIDB) Drainage District. The applicant should be reminded that the IDB's prior written consent will be required for any works which will affect any ditch or watercourse on site.
- (ii) The requirement for the payment of a Surface Water Development Contribution to the Board if the proposals result in any increase in the rate or volume of runoff being directed into our district from the development.

Southern Water: Comment in summary:

- (i) No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.
- (ii) The submitted site layout (Dwg No: 20-3088-002 Rev: D) indicates an attenuation basin located close to public foul sewer. Repositioning will be needed to the attenuation basin to create a greater clearance between the attenuation basin and public sewer. Please note: No soakaways, swales, ponds, watercourses, or any other surface water retaining or conveying features should be located within 5 metres of public sewers

Sport England: Comment in summary:

- (i) No objection to the details being approved.
- (ii) The Section 106 Agreement reached in relation to the outline permission does include sport and leisure contributions towards off-site facilities

Southern Gas Networks: Comment in summary:

- (i) There are high pressure pipelines in the vicinity of the proposed work area
- (ii) No work or crossing of this high pressure pipeline is carried out until a detailed consultation has taken place.

The Ramblers: Comment in summary:

- (i) The Ramblers welcome, and indeed expect, footpaths, accessible always and cycle routes to be provided.
- (ii) Disappointing to see the lack of detail referencing the PROW in the area around this as to how they will be accessed by residents wishing to gain access to the wider countryside beyond their neighbourhood.
- (iii) Support the comments made by the KCC PROW and Access Service regarding the sustainability and management of AE658 and the other PROW that will be affected if the application is approved as currently set out.

Sevington with Finberry Parish Council: Make the following comments:

“Having engaged with the developer as a Parish Council at a meeting on 26 August, and reviewed supporting documentation, we wish to raise the following concerns and comments:

Public services

Local health services, specifically the GP practices as part of the Ashford Medical Partnership, are already under significant pressure as a result of new developments in the area. Primary care provision must be considered in tandem with this development as an absolute priority. The bus link road to Rutledge Ave should not be built until a bus service is a meaningful prospect; in the meantime, a walking / cycle route only is necessary. This will avoid another white elephant as seen between Avocet Road / Damara Way.

Biodiversity

There is a major change from the outline consent in that nutrient neutrality is to be achieved by wetland creation on land previously earmarked as a “landscape area” - this will reduce land supporting biodiversity and wildlife protection. A footpath/cycleway runs through the nutrient neutrality scheme which may now need to be an all-weather tarmac raised footpath/cycleway to allow year-round use. This nutrient neutrality area includes a site on which the Parish Council has paid Kentish Stour Countryside Project to construct two owl nesting boxes. The developer’s ecologist will need to address this in their report into how nesting owls are protected.

Development design

The main spine road through the development is over engineered for the volume of traffic envisaged because it is a legacy from the existing site s106 and designed to support an extension across Cheesemans Green Lane. It is unsympathetically

designed as a straight road with a roundabout at each end; its design may encourage “boy racers” timing their runs. A redesign should be considered by the applicants and landowners which is narrower to discourage HGVs accessing the site to wait in the area and is more in keeping with a residential estate. The width of roads on the development should be minimised so they do not allow parked lorries taking their rest period who do not wish to pay to use the lorry park. The location of the play park next to the main roundabout is also a concern.

Estate management

Landscaping and unadopted areas management will be run by GSE, not HML, with whom residents in neighbouring Finberry have encountered problems with estate charge billing in recent years. Details of how residents influence management should be clarified

Keeping the ‘Mersham Wall’ intact

The road towards Cheesemans Green Lane is constructed for future connectivity of a Finberry extension towards Mersham. A reminder how, when the Church Commissioners first proposed Ashford Great Park in the 1990s, it was for 4,500 homes. Development of Finberry east of Cheesemans Green Lane is dependent on Orchard Way being brought forward across the CTRL of which there is no immediate prospect. So, this road through the development should be designed and built to service the new development only with land being reserved for future redesign/extension. This would follow the approach that AXA intended to adopt on Stour Park where they only reserved land for Orchard Way rather than building the road (an approach followed by the DfT). The Parish Council asks for assurance that given the importance of the application and the number of comments made, that the decision would be made by the planning committee.”

Mersham Parish Council: Object as follows:

“We note, and strongly support Sevington’s comments about the design of the spine road. It is entirely inappropriate to its surroundings being wide and straight with roundabouts at either end. It appears to be a main arterial road which comes to a curious and abrupt halt at Cheesemans Green Lane. We can only speculate on it’s true purpose. The effect of this, as Sevington PC have eloquently pointed out is that it will encourage speeding and irresponsible behaviour. It will also encourage inappropriate lorry parking in a residential area. It will also pose a serious threat to the integrity of “the Mersham Wall”. It has been accepted that no development should take place to the east of Cheesemans Green Lane. This principle has been agreed with the Borough Council and is incorporated in the 2030 Plan in order to protect the Parish of Mersham from Urban sprawl” .

Kingsnorth Council PC: Object as follows:

“The Parish Council has been enquiring about the reservoir breach flood model for Aldington Reservoir, raising that the available maps only allowed for a within bank downstream scenario. The EA has recently released new maps which show a potential flood when the watercourses downstream are out of bank. Almost the entire residential proposal is shown to flood in this scenario. The application proposes to

build dwellings, change ground levels and build a new bridge over the river. We, and decision takers, have no understanding of the likely off site increase in flood risk that will occur as a result of the proposed development. The design has not considered this scenario and responded accordingly, it therefore represents poor design. The Parish Council request that a hydraulic model is produced for the site as it currently is (including Avocet Way) and then compares the expected flooding in that scenario to what can be expected when the model is updated to include all of the proposed changes. We want to be assured that there is no risk of flooding displaced to residents of Finberry and Bridgefield. In addition, we request that KCC's Emergency Planning team is consulted on the application".

Neighbours: 19 objections were received to the proposed development which primarily raised the following matters:

- (i) Adverse impact on ecology with loss of habitat and harmful impact on local wildlife such as barn owls, other birds, reptiles etc.
- (ii) Additional dwellings would place strain on an already fragile infrastructure and services in the area such as schools and local health facilities.
- (iii) There is no bus route to Finberry and poor cycling infrastructure meaning an ever growing reliance on car journeys.
- (iv) There should be no road connection to Cheemans Green Lane.
- (v) The amount of dwellings being built next to nearby Finberry Village will detract the feel of a village community and create another housing development linked up to another.
- (vi) Flooding concerns from The River Stour.
- (vii) Adverse impact of the construction on the Ashford Green Corridor.

Planning Policy

35. The Development Plan for Ashford Borough comprises:-

- (i) the Ashford Local Plan 2030 (adopted February 2019),
- (ii) the Chilmington Green AAP (adopted July 2013),
- (iii) the Wye Neighbourhood Plan (adopted March 2016),
- (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
- (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
- (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
- (vii) the Egerton Neighbourhood Plan (adopted March 2022)
- (viii) the Charing Neighbourhood Plan (adopted July 2023)
- (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).

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

Policy S16 – Waterbrook:

'Land at Waterbrook is proposed for a mix of residential and commercial development together with a re-located and extended commercial lorry parking facility. Detailed proposals for this site shall be developed in accordance with an approved masterplan that:-

- (a) Provides a re-located 600 space lorry park on the eastern part of the site, adjacent to the aggregates facility.
- (b) Provides an indicative 350 dwellings on the western and southern parts of the site;
- (c) Provides a minimum of 22 hectares of commercial development;
- (d) Ensures the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site;
- (e) Provides suitable mitigation to deal with noise, visual impact and artificial lighting to restrict the impact of the new development on the new residential properties to be developed on the site and the existing properties along Cheeseman's Green Lane, Finberry and Church Road, Sevington
- (f) Provides vehicle access from the A2070 and to the Finberry development with no access from the Waterbrook site to Cheeseman's Green Lane;
- (g) Provides new pedestrian and cycle routes throughout the development and connections to existing urban and rural routes;
- (h) Protects and enhances the East Stour river corridor local wildlife site;
- (i) Contributes to the improvement of the green corridor that runs through the site;
- (j) Includes a full flood risk assessment prepared in consultation with the Environment Agency;
- (k) Ensures that any land contamination issues are satisfactorily resolved or mitigated;
- (l) Provides a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and ensure future access to the existing sewerage system for maintenance and upsizing purposes;
- (m) Provides a proportionate financial contribution towards the delivery of Highway England's scheme for a new M20 Junction 10a and any other off-site highway improvements identified through agreed transport modelling in accordance with policy TRA8.

SP1 - Strategic objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU1 - Affordable Housing

HOU6 - Self and Custom Built Development
HOU12 - Residential space standards internal
HOU14 - Accessibility standards
HOU15 - Private external open space
HOU18 - Providing a range and mix of dwelling types and sizes
TRA3a - Parking Standards for Residential Development
TRA4 - Promoting the local bus network
TRA5 - Planning for Pedestrians
TRA6 - Provision for Cycling
TRA7 - The Road Network and Development
ENV1 – Biodiversity
ENV2 - The Ashford Green Corridor
ENV3a – Landscape Character and Design
ENV4 – Light Pollution and Promoting Dark Skies
ENV6 – Flood Risk
ENV7 – Water Efficiency
ENV8 – Water Quality, Supply and Treatment
ENV9 – Sustainable Drainage
ENV13 - Conservation and Enhancement of Heritage Assets
ENV15 - Archaeology
COM1 – Meeting the Community’s Needs
COM2 – Recreation, Sport, Play and Open Space
IMP1 - Infrastructure Provision
IMP4 - Governance of public community space and facilities

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste
Early Partial Review (2020).

DM7 - Safeguarding Mineral Resources

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

- (i) Ashford Borough Council Climate Change Guidance for Development Management

Supplementary Planning Guidance/Documents

Landscape Character Assessment SPD 2011
Residential Space and Layout SPD 2011(now external space only)
Residential Parking and Design SPD 2010
Sustainable Drainage SPD 2010
Public Green Spaces and Water Environment SPD 2012
Dark Skies SPD 2014
Fibre to the Premises SPD 2020

SPG 6 Providing for transport needs arising from the South of Ashford
Transport Study

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

Government Advice

National Planning Policy Framework (NPPF) 2023

38. 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 NPPF. The NPPF states 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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraphs 20 – 23 - Strategic policies.

Paragraphs 28 – 29 - Non-Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraphs 47 to 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

Paragraphs 60 to 67 - Delivering a sufficient supply of homes.

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 110 to 113 - Considering development proposals.

Paragraphs 114 to 118 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

Paragraphs 152 to 169 - Meeting the challenge of climate change, flooding.

Paragraphs 174 to 178 - Conserving and enhancing the natural environment.

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

Assessment

39. The main issues for consideration for this application are considered to be the following:

- (i) The principle of the development.
- (ii) The design and appearance of the scheme and its impact on the character of the surrounding area including Green Corridor designation.
- (iii) The impact on neighbouring uses and residential amenity
- (iv) The impact on the surrounding road network and highway safety.
- (v) The mix of housing and affordable housing provision.
- (vi) The impact on ecology.
- (vii) Flooding and drainage issues.
- (viii) Wastewater.
- (ix) Contamination.
- (x) Archaeology
- (xi) Space standards
- (xii) Habitats Regulations

(i) The principle of the development

40. The application site forms part of the policy S16 Local Plan site allocation at Waterbrook Park. The entirety of the S16 site is proposed for a mix of residential and commercial development with a new relocated commercial lorry park facility. The application site was granted outline planning permission in 2019 for up to 400 dwellings and associated infrastructure under planning application ref 18/00098/AS, which also included commercial development and a new Lorry Park on the wider Waterbrook S16 site. The principle of the residential development of the application site has therefore already been agreed, and the development is in accordance with the S16 site allocation in the Local Plan.
41. The proposals are seeking Reserved Matters approval for 364 dwellings which is below the maximum 400 dwellings permitted by the outline permission. The 364 dwellings would be located within the area identified for residential development under the outline planning permission parameter plans. The development is therefore in accordance with the parameters set by the grant of outline planning permission. The main determining issues for this application are therefore the details of the Reserved Matters, (access, landscaping, layout, scale and appearance) and the resulting impact of the proposals on the site's surroundings.
42. I am satisfied that the likely significant environmental impacts of the proposals fall within the parameters of the environmental impacts assessed in the

Environmental Statement submitted with the planning application ref
18/00098/AS.

(ii) The design and appearance of the scheme and its impact on the character of the surrounding area including Green Corridor designation

43. Policy SP6 of the Local Plan requires development proposals to be of a high quality design and demonstrate a careful consideration of and a positive response to each of the following design criteria: a) character, distinctiveness and sense of place, b) ease of movement, c) legibility, d) mixed use and diversity, e) public safety and crime, f) quality of public spaces and their future management, g) flexibility and liveability, h) richness in detail i) efficient use of natural resources.
44. Policy ENV2 of the Ashford Local Plan states the protection and enhancement of Ashford's Green Corridor is a key objective. Development within the Green Corridor must be compatible with, or ancillary to, its principal open space use or other existing uses and would not cause significant harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. Other forms of development will not be permitted unless it is in accordance with a site specific Local Plan policy or the redevelopment of a brownfield site or delivers overriding benefits and in each case there would be no significant harm to the overall environment, biodiversity, visual amenity, movement network or functioning of the Green Corridor.
45. Policy ENV2 also states that development on land adjoining the Green Corridor shall provide suitable access and links to the existing movement networks of the adjoining Green Corridor wherever possible. They must not cause significant harm to any of the key features and functions and should make a positive contribution to the Green Corridor in respect of its environment, biodiversity, visual amenity, movement networks or functioning and its setting.
46. A key part of the original planning permission masterplan approach to the site was the separation of the residential zones from the surrounding truck-stop and the employment zones through a landscaped green park. This reflects one of the requirements of the S16 Local Plan site policy to provide the proper segregation of uses within the site through the provision of substantial landscaping and screening based on a strong landscape framework for the site. The proposals have continued with this concept with the provision of a 'linear park' which is a substantial green buffer which surrounds and links the residential parcels. The linear park is proposed to include a range of features such as pathways and cycleways, SUDs and areas for tree planting and habitat.
47. The residential layout is in accordance with the parameters set by the outline planning permission and the number of dwellings proposed at 364 is lower than

the 400 maximum permitted. In my report to the Planning Committee on the outline planning application, I highlighted that no 'proving plan' had been provided to demonstrate how the maximum figure of 400 dwellings applied for could be provided on the site (including the related dwelling typology and mix) while delivering an acceptable character of development and sense of place. My report identified that great care would be needed for any proposal that exceeded approximately 370 homes to ensure that parking provision, storey height, housing typology and housing mix are all appropriate to support strong place-making and character areas.

48. In my opinion, the current Reserved Matters proposals have achieved these objectives. The layout is framed by the main road layout and internal public open space areas. The main road layout along Waterbrook Avenue to the internal roundabout and eastern road access towards Finberry were approved as part of the original planning permission and provide a tree-lined landscaping entrance to the site from the north. Three internal public open space areas are provided. A main larger central public open space area including play facilities and two smaller areas (but over the 0.25 hectares minimum size for public open space normally requested by ABC culture and Recreation). One is located within the south-eastern parcel and the other on the western boundary, allowing the landscaping green buffer to be brought into the residential site.
49. The proposed dwellings would front the public realm, providing active frontages to the streets and public open spaces. A mix of typologies is provided although there would be a high proportion of detached and semi-detached dwellings and all of the residential development would be two-storeys in height. Although I consider higher typologies of 2.5 or even three-storeys could be provided in certain locations to add variety, the applicant does not wish to propose development of a greater scale because of the proximity of the nearby lorry park. I have no objection to the two-storey scale of residential development across the site.
50. The residential layout is divided into character areas with tree-lined boulevards along main gateway accesses. Higher density mews areas are located more centrally, with lower density outer parkland areas facing the linear park and the Green Corridor immediately to the west of the built development. I have no objection to the design and appearance of the typologies. A small multi-use farmstead building is proposed, as allowed for under the terms of the outline planning permission, which could be used for small-scale retail purposes, and/or a coffee shop or similar uses. This is located within the centre of the development where it would be most accessible to future occupiers and would provide a focal point within the site.
51. The proposed residential areas would result in the removal of three individual trees and two groups of trees, as well as the part removal of another group of

trees which are of low to moderate quality. These trees would be expected to be removed to facilitate the residential built development and their loss would not result in any significant visual harm. Replacement tree planting and landscaping is proposed throughout the residential scheme, as shown on detailed landscaping plans provided. In the remainder of the site, only two groups of trees of low to moderate quality relating to mainly the wetland area are to be removed, which would have a limited visual impact.

52. The proposals retain the more substantial southern tree boundary along Cheeseman's Green Lane in its entirety. This is important to provide a buffer between the proposed development and open countryside to the south of Cheeseman's Green Lane. The scheme as originally submitted had shown encroachment into this area, including an extension of the southern access road suggesting a potential future vehicular access link to Cheeseman's Green Lane. This has been removed from the scheme and is no longer part of the proposed development, with the woodland area being unaltered by the proposals.

Green Corridor

53. With regard to the impact of the development on the Green Corridor, the built residential development would lie adjacent to the western Green Corridor area, with part of the linear park and the wetlands being located within its boundaries.
54. In terms of the development within the Green Corridor, I consider the linear park and wetlands would be a suitable form and scale of development that would not harm the undeveloped character of the Green Corridor. I consider they would be compatible with the principal open space use and that they would not result in any material harm to the overall environment, biodiversity, visual amenity, movement networks or functioning of the Green Corridor. I therefore consider the impact of the development within the Green Corridor itself to be acceptable.
55. Turning to the development proposed on land adjoining the Green Corridor, this would comprise two-storey residential development of which a small part of the western boundary housing would be adjacent to the Green Corridor, with the rest of the dwellings set back from the boundary. I consider the layout of the proposed residential development in this area would provide suitable access and links to the existing movement networks of the adjoining Green Corridor. In particular with the pedestrian links, new landscaping within the development including the public open space on the western boundary that adjoins the Green Corridor bringing the landscape into the development. The development would not cause significant harm to any of the key features and functions and would make a positive contribution to the Green Corridor in respect of its

environment, biodiversity, visual amenity, movement networks/functioning and its setting.

56. I consider the scheme would safeguard the key features and functions of the Green Corridor, and would provide links to the existing movement network which would protect and enhance the Green Corridor, in accordance with the objectives of policy ENV2 of the Ashford Local Plan.
57. Overall, I consider the design, appearance and layout of the scheme and its impact on the character of the surrounding area, including the Green Corridor designation, to be acceptable.

(iii) The impact on neighbouring uses and residential amenity

58. The application site is located within an area that contains a mix of residential and commercial uses, some of which are proposed within the surrounding S16 Waterbrook Park allocation area itself.
59. The nearest existing dwelling to the site is 'Pattison', a detached house located to the south of the site, within the southern woodland area adjacent to Cheeseman's Green Lane. It is sited over 40m from the nearest proposed dwelling so would not be adversely affected in terms of overlooking distances. Other residential properties on Cheeseman's Green Lane would be set further away so there would again be no loss of amenity from the proposed residential development. The Finberry residential development lies around 200m to the west so there would be no direct impact on individual properties there. I therefore consider the distances and relationship between the proposed and existing dwellings within the immediate area, as well as between the proposed new dwellings within the development itself, would be acceptable.
60. ABC Environment Protection have raised no objection to the proposals, subject to the imposition of conditions. This includes a scheme for the protection of the proposed dwellings from noise from the surrounding commercial uses (such as adding double glazing to certain properties), details of any plant or/and equipment to be installed on-site for the small central Farmstead building, a condition to deal with noise and fumes generated by potential uses such as retail, restaurant and take away uses permitted in the small central Farmstead building, and finally a Code of Construction Practice to deal with site construction impacts. These conditions are either already imposed on the planning permission ref 18/00098/AS or can be added as new conditions (plant details and fumes generated) in relation to this Reserved Matters scheme.
61. Overall, the development subject to the above conditions would have an acceptable impact on the amenities of existing neighbouring properties and future occupiers of the development itself.

(iv) The impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections and existing PROW

62. The impact of the residential development on the highway network was considered in the original planning application ref 18/00098/AS, along with the impact of the new commercial development and new truck stop. In the consideration of that application, the overall impacts on the highway network were considered acceptable by National Highways and KCC Highways and Transportation, subject to some restrictions on the amount of development to be carried out prior to the new Junction 10a and Bellamy Gurner A2070 junction schemes being in place. Both junctions have now been completed so the restriction would not apply.
63. National Highways raise no objection to this current Reserved Matters application. KCC Highways and Transportation also raise no objection, subject to minor amendments to the detail of some internal streets which I consider can be dealt with through conditions.
64. The parking provision for the dwellings and visitor spaces is in accordance with the minimum standards set out in policy TRA3a of the Local Plan. This calculation does not include the garages that would be provided for a number of dwellings on the site. The number of visitor parking spaces provided would be 178 which exceeds that required under the TRA3a standard. This increased provision of visitor spaces is due to an allowance being made for tandem parking spaces for some of the dwellings.
65. Each proposed dwelling would have an EV charging point provided as part of its parking provision, as required under condition 72 of the outline planning permission. The final detail of the location of the EV charging points is proposed to be agreed through the condition. Cycle parking would be provided in garages or sheds for all dwellings, catering for one cycle per household. This is in accordance with the minimum standards for cycle parking within policy TRA6 of the Local Plan. ABC Refuse are also satisfied with the proposed refuse storage and collection provision.
66. The proposals involve new pedestrian and cycleway routes through the residential site and around the linear park providing linkages within the site and to the surrounding area. The applicant has proposed the existing footway PROW AE658 running along the western boundary and part of the southern boundary to be upgraded to a bridleway, as requested by KCC PROW. I propose that the final details of the PROW would be subject to a condition that would ensure there would be no harm caused to the southern boundary trees that provide an important green buffer to Cheesemans Green Lane. The legal

aspect of any upgrade and diversion to the PROW would be dealt with under separate legislation and is not part of this planning application.

67. Overall, I consider the scheme is acceptable in terms of the impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections, and the PROW network.

(v) The mix of housing and affordable housing provision

68. Policy HOU18 of the Local Plan requires development proposals of ten or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The scheme involves a range of 1, 2, 3, and 4-bedroom dwellings comprising a mix of terrace, semi-detached and detached dwellings, some maisonettes, and flat-over-garage (FOG) units.
69. Policy HOU1 of the Local Plan requires the provision of affordable housing for schemes of 10 or more dwellings. This would normally be 30% of dwellings for this location but was reduced to 10% under the terms of the S.106 Agreement of the outline permission due to viability issues. The proposals involve the provision of 37 affordable houses which equates to 10% of the total number of dwellings, as required by the S.106 Agreement. These comprise of 36X two-bed and 1x three-bed dwellings, all of which would be shared ownership homes, to be located in four separate clusters around the northern parcel of the site. ABC Housing have confirmed that they consider the quantum and location of affordable housing to be acceptable.
70. I am satisfied the scheme has an acceptable mix of dwellings and affordable housing provision and that it therefore complies with the requirements of policies HOU1 and HOU18 of the Local Plan.

(vi) The impact on ecology

71. Policy ENV1 of the Local Plan requires proposals for new development to identify and seek opportunities to incorporate and enhance biodiversity. Policy S16 of the Local Plan requires proposals to protect and enhance the East Stour river corridor Local Wildlife Site (LWS).
72. The application has been accompanied by an ecological assessment and surveys. KCC Ecology have assessed this information and are satisfied with the scope and results of the submitted ecological surveys which found bats, birds, great crested newts, dormice, reptiles, roosting bats, water vole and potential for beaver within the site and surroundings.
73. The proposed layout of the development has been designed to create a buffer between the LWS, the East Stour River and the residential areas to minimise

impacts on the habitats of the river and LWS. The proposal involves extensive habitat creation works along the western, northern and eastern site boundaries, along with the creation of a wetland.

74. There is a need to ensure that the habitats created are managed appropriately to ensure that they are established and retained as intended and that they bring the ecological benefits that are envisaged. Condition 74 of the outline planning permission requires the submission and approval of an Ecological Mitigation and Management Plan which will provide details of the management of ecological habitats within the development. This will ensure that the habitats are appropriately managed, and there is therefore no requirement for an additional condition on the Reserved Matters submission relating to the management of these areas.
75. In order to ensure there is no unacceptable recreational use of these areas, KCC Ecology have recommended that the habitats created are fenced off by low-level fencing to minimise activity in these areas. There will also be a need to control the lighting to the proposed footpath in this area in order to minimise the impact on protected species and habitats in this area. I therefore recommend a condition is imposed to require the details of the proposed fencing and lighting in these areas to be submitted and approved.
76. KCC Ecology are satisfied that, subject to the above conditions, the proposed development would have an acceptable impact on protected species and habitats, and that the applicant has proposed sufficient measures to enhance biodiversity. I concur with this view and consider that subject to these conditions, the proposals are acceptable in terms of its ecological impact on the site and its surroundings.

(vii) Flooding and drainage issues

77. Policy ENV6 of the Local Plan states that proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 outlines that all developments should include appropriate sustainable drainage systems. The original planning permission 18/00098/AS included a condition requiring details of a scheme to deal with surface water drainage within the development, in accordance with Ashford Borough Council's Sustainable Drainage SPD.
78. The application is supported by a residential surface water strategy comprised of underground pipe networks for conveyance and attenuation basins for the storing of water. In addition, permeable paving and bioretention in highway verge areas would be incorporated into the design to provide treatment at source and also contribute to attenuation volumes. Impermeable areas including rooftops, driveways and carriageways are provided, with surface

water from these areas being directed to the attenuation basins from which outflow into the local ditch network, ultimately leading to the River Stour.

79. KCC LLFA have assessed the proposals and raise no objection to the approval of the reserved matters in relation to the surface water provision for this site. Some further matters of detailed design can be addressed through the existing condition on the outline planning permission which requires the full details of the surface water drainage scheme to be submitted and agreed prior to any development taking place.
80. I consider the proposals to be acceptable in terms of flood risk and providing an appropriate sustainable drainage system, in accordance with Local Plan policies ENV6 and ENV9, as well as the Council's Sustainable Drainage SPD.

(viii) Wastewater

81. Policy ENV8 of the Local Plan requires that major proposals must be able to demonstrate there are or will be adequate water supply and wastewater treatment facilities in place to serve the whole development and provide a connection to the sewerage system at the nearest point of adequate capacity, wherever feasible.
82. The outline planning permission 18/00098/AS included a condition requiring details of foul sewerage disposal for each phase of development to be submitted to and approved in consultation with Southern Water. Southern Water have commented that they are currently in the process of designing and planning delivery of offsite sewerage network reinforcements in order to accommodate the proposed development. This agreement will be a matter for the applicant to resolve directly with Southern Water. I consider this matter to be adequately addressed by the existing condition on the original application.

(ix) Contamination

83. The outline planning permission ref 18/00098/AS included a condition requiring a land contamination investigation and report for each phase of development at Waterbrook to be submitted and approved prior to the commencement of works within the relevant phase. These have been provided and approved for some of the other phases of development on the wider Waterbrook site.
84. ABC Environmental Protection raise no objection to these current proposals, subject to this information being provided through the existing condition prior to the commencement of the residential development. The outline planning permission also includes a condition covering any unexpected contamination found on the site during construction. I therefore consider this matter to be adequately addressed by the existing conditions on the original application.

(x) Archaeology

85. The outline planning permission ref 18/00098/AS includes a number of conditions requiring archaeological and heritage works to be undertaken. A written scheme of investigation (WSI) for a proposed geoarchaeological evaluation has been submitted with this reserved matters application and has been assessed by KCC Heritage.
86. KCC Heritage are satisfied that these details are acceptable. Further information is still required on any safeguarding measures, programme of post excavation and publication works, and a programme of heritage interpretation work. These matters are, however, required to be dealt with through a formal discharge of the relevant planning conditions on the outline planning permission. I therefore consider this matter to be adequately addressed by the existing conditions on the original application.

(xi) Space standards

87. Policy HOU12 of the Local Plan requires all new residential development to comply with nationally described space standards. Policy HOU15 of the Local Plan requires all new dwellings to be provided with a minimum external private garden area of at least 10m in depth, or an equivalent acceptable area.
88. All of the residential units proposed would exceed the minimum internal floorspace required by the nationally described space standards and Local Plan policy HOU12. The rear gardens of the proposed dwellings would also all comply with the requirements of policy HOU15. For flats, policy HOU15 requires the provision of external balconies. The proposal includes appropriate size balconies for all of the flats (including the FOGs and maisonettes). I therefore consider the proposals to represent an acceptable standard of accommodation in terms of its compliance with the internal and external space standards.

(xi) Habitats Regulations

89. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which includes a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar Site. This advice relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.

90. In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and/or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, where necessary, subject to an Appropriate Assessment, in order for planning permission to lawfully be granted.
91. The site falls within the Stour catchment area and proposes overnight accommodation which could have an adverse impact on the integrity of the Stodmarsh protected sites. It is proposed that the foul sewage from the site will discharge to Ashford Bybrook Wastewater Treatment Works via new onsite infrastructure and the public sewerage network. If unmitigated, the increased wastewater generated from the proposed development will increase the level of nutrients from the site.
92. The applicant has provided a nutrient neutrality assessment and mitigation strategy. The development has been split into three phases, each of which is proposed to be independently nutrient neutral. The nutrient load of Phase 1 is proposed to be offset through the proposed land use change of the site, whilst the nutrient load from the additional houses of Phase 2 would be offset through the construction of the wetland located close to the River Stour East, within the application site, which would remove nutrients from the river. The remaining phase is proposed to be mitigated by an off-site solution, the details of which are not currently known. The applicant proposes that the occupation of each phase would be linked to the successful delivery of each element of the mitigation strategy.
93. Natural England has advised that further information regarding the proposed nutrient neutrality mitigation is required, in particular relating to the off-site mitigation, in order to confirm the necessary mitigation for each phase. The Environment Agency (EA) have also advised that additional information in the form of a Water Framework Directive Assessment is required prior to the determination of the application in order for them to confirm the acceptability of the proposed on-site wetland. The EA has also requested the submission of a Flood Risk Activity Permit, a Fish Rescue Plan and a Management Plan for the wetland which can be addressed by planning conditions.
94. I recommend that a Water Framework Directive Assessment be provided by the applicant, and that this is agreed by the EA, prior to the approval of this application. This information will also be necessary to inform the Appropriate Assessment once the full details of the proposed mitigation package are known. This is also required to be carried out prior to the approval of this application. The applicant has therefore currently not provided a comprehensive mitigation package in order to demonstrate that the development would achieve 'nutrient neutral' status.

95. Under the Council's Constitution, the Assistant Director Planning and Development and Spatial Planning Manager already have delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting Natural England (NE) upon it, and amending and/or adopting it after taking into account Natural England's views.
96. As matters stand, it is very likely that a strategic solution provided by a third party will be required in order for the totality of the development proposed to achieve 'nutrient neutral' status. In the absence of such measures (or any others) having been identified and demonstrated to be deliverable, it is not possible to conclude, at this moment in time, that the scheme would not adversely affect the integrity of the habitat of the Stodmarsh protected sites.
97. On the basis that this proposal is considered to be otherwise acceptable in planning terms (subject to planning conditions), I recommend that a resolution to approve the Reserved Matters be subject to the provision of sufficient information by the applicant (including a Water Framework Directive Assessment as requested by the Environment Agency) to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site in order to enable an Appropriate Assessment under the Habitats Regulations to be adopted (having consulted Natural England), and to secure any additional obligation(s) and/or planning conditions that are necessary in order to reach that Assessment and to ensure that at the time of occupancy the necessary mitigation is in place.

Conclusion

98. The principle of the residential development has already been agreed by the grant of the outline planning permission ref 18/00098/AS. As set out in the Assessment above, I have found the details of the proposed access arrangements, layout and landscaping of the site, as well as the appearance, and scale of the development proposed, to be acceptable.
99. I consider the impact on the development on the character of the surrounding area to be acceptable, whilst the scheme would have an acceptable impact on neighbouring residential amenity and the amenities of future occupiers of the development, including through compliance with internal and external space standards. The scheme is acceptable in terms of the impact on the surrounding road network, highway safety, parking provision, refuse, pedestrian and cycleway connections and the existing PROW. I am satisfied the scheme has an acceptable mix of dwellings and an affordable housing provision that

accords with the requirements of the S.106 Agreement for the outline permission.

100. I am satisfied that, subject to conditions, the proposals would have an acceptable ecological impact on the site and its surroundings and that the development would include an appropriate sustainable drainage system which would ensure the development would not lead to an increased flood risk. Final details relating to contamination, wastewater disposal and archaeology can be dealt through the existing conditions on the outline planning approval.
101. The application site falls within the Stour catchment and the effect is that this proposal must be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes. As matters stand, a package of on-site and off-site mitigation measures is proposed by the applicant in order for the development to achieve 'nutrient neutrality', although full details of the off-site element of the mitigation package have not yet been provided. It is recommended that the resolution includes a requirement for full details of the nutrient neutrality mitigation package, including a Water Framework Directive Assessment, to be submitted by the applicant prior to the determination of the application. An Appropriate Assessment would then need to be carried out and adopted by the LPA, in consultation with Natural England, before the application is determined, with the provision of the proposed mitigation being secured through a S.106 Agreement and/or conditions as appropriate once sufficient details have been agreed.
102. Overall, for the reasons set out in the report, the proposals are in accordance with the policies of the Ashford Local Plan and national planning guidance. Subject to the provision of sufficient additional information to allow an Appropriate Assessment to be carried out and adopted prior to the determination of the application (including the submission of a Water Framework Directive Assessment) and any necessary additional conditions/S.106 Agreement/undertaking as detailed in the recommendation below, I recommend that the reserved matters be approved.

Human Rights Issues

103. I have 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

104. In accordance with paragraph 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.

Recommendation

Permit

- (A) Subject to the applicant submitting information, including a Water Framework Directive Assessment, to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council & Monitoring Officer, and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, 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 (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit to secure the required mitigation and any associated issues relating thereto to any planning matter.
- (B) APPROVE reserved matters of layout, scale, landscaping, access arrangements and appearance pursuant to outline planning permission ref 18/00098/AS in accordance with the application and plans, subject to the following conditions and notes.

Conditions:

- 1) The list of approved plans.
- 2) Minor details of the table junction ramps and footway by-pass of the ramped carriageway area to shared space as requested by Kent Highways and Transportation to be submitted to and approved by the Local Planning Authority.
- 3) Lighting detail of the pedestrian footway to be submitted to and approved by the Local Planning Authority.
- 4) Details of the new bridleway on the west part of the site and its impact on the southern Woodland area be submitted to and approved by the Local Planning Authority.
- 5) A Flood Risk Activity Permit, A Water Framework Directive Assessment, A Fish Rescue Plan and A Management Plan for the wetland to and approved by

the Local Planning Authority.

- 6) Extraction/Treatment of Fumes/Odours generated from cooking or any other activity undertaken on the premises, and the rating level of noise emitted from the proposed plant and equipment

Notes to Applicant:

1. Working with the Applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. KCC Highways standard Informative
3. KCC PROW standard informative
4. Kent police informative on designing out crime

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 21/01595/AS)

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