

Planning Committee

Wednesday the 13th December 2023 at 6.30pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

5. Requests for Deferral/Withdrawal

None

6. Schedule of Applications

- (a) **PA/2023/0715 - Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent** – Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road.

Paragraph 14 (Description of Proposed Development)

Additional information to include at the end of paragraph 14:-

The applicant has advised that *“the main part of the treatment works – the te-cyc process – consists of three tanks but can remain fully operational with only two tanks. Therefore, if there is a failure with one tank, the process will still be able to fully operate. In addition, an onsite generator will be installed with an autochangeover panel to ensure the plant will remain operational in the event of a power failure. Moreover, on-site plant will be connected to a system that will issue an alarm to the WwTP maintenance service team (who monitor the plant 24/7) who will then attend the site immediately”*. The applicant has advised that with these measures in place there would be no need to tanker waste.

Paragraphs 17 & 18 (Description of Proposed Development)

Following the publication of the committee report the applicant has sought to clarify that, the WwTP would be available, in principle, to serve limited developments beyond the Chilmington Green development area. The overarching Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) for Chilmington Green, referred to in paragraph 22 of the committee report, takes into account the development proposed in the Possingham Farm application (ref: 22/00517/AS) which is also reported on this Agenda, and The Gables application (ref: 18/01550/AS) which received a resolution to grant planning permission from planning committee in August 2020. The WwTP is proposed, in principle, to be able to deal with the waste water flows from these developments, in addition to Chilmington Green.

It is important, however, for Members to note that, as set out in paragraph 21 of the committee report, it is not appropriate for the assessment of the application for the WwTP to consider whether the proposed WwTP is suitable mitigation to secure nutrient neutrality for future housing development. This will be considered in the assessment of the applications for each housing proposal that comes forward, via an Appropriate Assessment (AA) in accordance with the Habitats Regulations.

Paragraphs 198 & 210 (Water Quality)

With regard to the reference, in the fifth sentence in paragraph 198, to the outfall pipe requiring planning permission. It is also possible that the outfall pipe could be permitted development under the Town and County Planning (General Permitted Development) England Order 2015, Schedule 2, Part 13 Class B, 'Water and Sewerage', which states that the following is permitted development:

“Class B – development by or on behalf of sewerage undertakers

Permitted development

B. Development by or on behalf of a sewerage undertaker consisting of—

(a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;”

If the developer signs an adoption agreement with a sewerage undertaker for the pipe, then the undertaker could construct the pipe under their permitted development rights. I therefore recommend the condition, referred to in paragraph 210, be amended to require that a construction and adoption agreement be signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe prior to the commencement of construction and a copy of the agreement be provided to the Council.

Paragraph 279 (Conclusion)

The first sentence of this paragraph is deleted as the outstanding points in respect of flood risk and sustainable drainage were addressed prior to the publication of the committee report, as identified in paragraph 58. See updated paragraph 279 below.

~~There remain outstanding points that need to be addressed by the applicant in respect of flood risk and sustainable drainage. Subject to these issues being satisfactorily addressed. The applicant has satisfactorily addressed queries raised by the County Council in respect of flood risk and sustainable drainage. In conclusion, I therefore consider the proposed development to be acceptable, subject to the conditions, broad details of which are given below.~~

Conditions

The list of recommended conditions is updated to amend the condition relating to the outfall pipe and include conditions relating to SuDS and the installation of the bund and acoustic enclosures. The full list of conditions is provided below.

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Construction and transport management plan
4. Archaeological field evaluation and investigations
5. Detailed ecological mitigation strategy
6. Hedge/hedgerow protection
7. Sustainable surface water drainage scheme
8. A copy of the construction and adoption agreement signed between the landowner of the site and the sewerage undertaker for the construction of the outfall pipe to be provided to the Council prior to commencement of construction of the WwTP.
9. Landscaping scheme, including details of early provision of all or part of the Stubbcross wood extension.
10. Measures to prevent discharge of surface water to the highway
11. Details of all boundary fencing
12. Delivery of site access
13. Provision and maintenance of visibility splays
14. Traffic Regulation Order for Chilmington Green Road
15. Use of a bound surface for first 15 metres of the access road.
16. Installation of noise mitigation measures (earth bund & acoustic shroud)
17. Surface water drainage verification report
18. Lighting design strategy & light levels
19. Post completion odour assessment
20. Post completion acoustic assessment
21. Details of site decommissioning and reinstatement in the event that the WwTP is no longer required.
22. Reporting of Unexpected Contamination

Notes to Applicant

1. Working with the Applicant
2. Plans/Documents Approved by this decision
3. Highways

(b) 22/00571/AS - Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR - Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.

Paragraph 45 (Bethersden Parish Council)

Bethersden Parish Council have submitted a plan titled 'Bethersden Parish Impact Diagram From New Proposed Extension To Chilmington For A Further 655 Homes' which they wish to refer to it in their speech at the Committee meeting. The plan is provided as **Appendix A** to this Update Report.

Paragraph 118 (Habitats Regulations Assessment)

Following the publication of the Committee Report, the applicant has sought to clarify that the waste water treatment plant (WwTP) proposed at Chilmington Green (ref: PA/2023/0715), which is also reported on this agenda, would be available, in principle, to serve the Possingham Farm development. The overarching Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) submitted by the applicant for Chilmington Green, takes into account the Possingham Farm development. If planning permission was granted for the Possingham Farm development, the applicant has advised that they intend for some of the capacity at the WwTP to be allocated to the Possingham Farm development. In addition, they would seek to bring forward the delivery of additional capacity at the WwTP, in the form of ponds/wetlands and the re-use of water on site, to enable the Chilmington Green and Possingham Farm developments to be brought forward concurrently.

The information provided by the applicant has provided some clarity about how the applicant intends to deal with nutrient neutrality for the Possingham Farm development. However, this does not address the recommended reason for refusal (reason no. 8) as there remains uncertainty about how nutrient neutrality would be secured for the development.

(c) 21/01595/AS - Waterbrook Park, Waterbrook Avenue, Sevington, Kent –

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.

Additional planning condition

In response to KCC Ecological Advice Service request, a further condition be added requiring a habitat creation plan to be approved by the Local Planning Authority as follows

“ Prior to any ecological mitigation or habitat clearance works commencing a habitat creation plan must be submitted to the LPA for written approval. The plan must provide the following information:

- *Overview of habitats to be created*
- *Detailed methodology to create habitats*
- *Timings of works*
- *Maps showing the locations*
- *Management requirements to establish the habitats*

- *Interim on going management plan until the management plan required under C74 has been approved.*
- *Details of monitoring during establishment works.*
- *Details of how the habitats will be protected.*

The plan shall be implemented as approved.

Reason: *in the interest of ecology”.*

Appendix A

BETHERSDEN PARISH IMPACT DIAGRAM FROM NEW PROPOSED EXTENSION TO CHILMINGTON FOR A FURTHER 655 HOMES

