

Application Number	18/01140/AS
Location	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
Grid Reference	02823/455078
Parish Council	-
Ward	Kennington
Application Description	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
Applicant	Ashford Hockey Club
Agent	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
Site Area	2.98ha

(a) 372/193S, 53/R, 1+	(b) -	(c) SE/X, KAS/X, KHS/X, KCC LLFA/X, BTOD/X, KCCE/X, EA/X, EHM/X, KCCPROW/X, Kent Police/X, CPRE/R
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Introduction

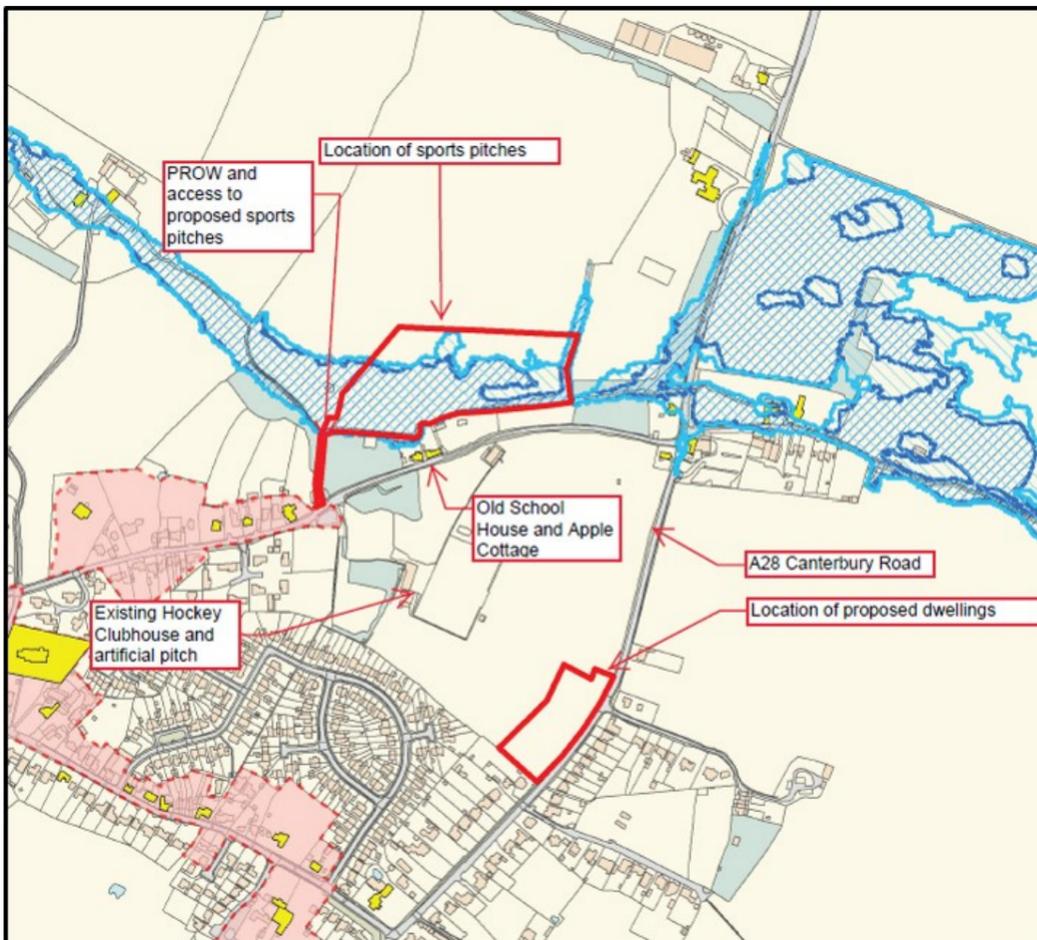
1. This application is reported to the Planning Committee because it is considered to be in the public interest given its contentious nature and the level of public interest in the scheme.

Site and Surroundings

2. The application site relates to two areas of land, one is currently utilised for football pitches at Ashford Hockey Club, accessed off of Ball Lane. This land fronts onto A28 Canterbury Road to the west of the East Mountain Lane. The land is currently undeveloped and designated as playing fields. To the north of this, is the main club house for the Hockey Club, artificial hockey pitch, which is floodlit, and a loose chipping unmarked out car park. To the north west of

this is the former home of Ashford Cricket Club. This is all part of the wider Hockey and Cricket Clubs' site but does not relate to the development proposed at the site.

3. The second part of the application site is land to the north of the existing Hockey Club site, also accessed off of Ball Lane along a public right of way (PROW AU12) which is a concrete track and latterly, unmade public footpath which leads to agricultural land to the rear of Ball Lane on its northern side. The land is grade 1 agricultural land and currently uncultivated but used for grazing and pasture.
4. The site is not within the Ball Lane Conservation Area but is in close proximity to it at the point of access to the footpath outlined above. There are a number of residential dwellings which back onto the site outlined above, two of which are grade II listed buildings, the Old School House and Apple Tree Cottage.
5. The part of the site where the replacement pitches are proposed is within an area of archaeological potential and Floodzones 2 and 3. This does not impact upon the part of the site where the 9 dwellings are proposed.



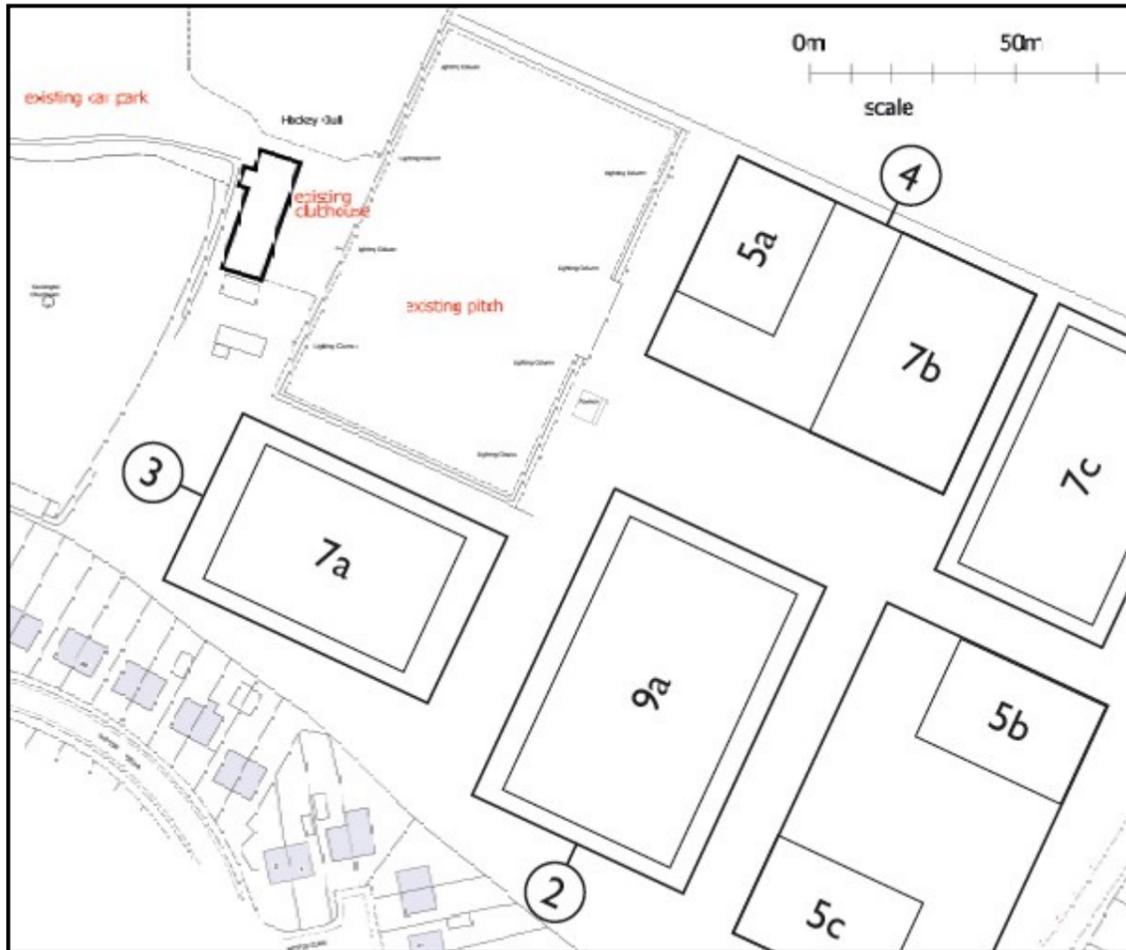


Figure 1 - Existing wider Hockey Club Site Layout with pitches marked

Proposal

6. Outline planning permission is sought for the erection of 9 detached dwellings with associated vehicular access off of the A28. All matters other than access details from Canterbury Road into the site, including appearance, landscaping, layout and scale, and internal access are reserved for future consideration.
7. As a result of the proposal, one of the existing sports pitches at the Hockey Club, which is also utilised by Kennington Juniors Football Club would be lost. The previous application on this site, which was subsequently withdrawn failed to address the loss of the sports pitch and therefore this application seeks to address this concern.

- 8. The sports pitches would be located on land to the north of the existing Hockey Club site which is currently agricultural. There is no means of enclosure proposed or significant re-grading of the land envisaged as the land is relatively level. No floodlighting or ancillary facilities (i.e. changing rooms) would be provided on this part of the enlarged hockey club site. The figures below show details of the proposed development. The figures below show details of the proposed development.



Figure 2 Site Layout Plan (Indicative) for dwellings fronting Canterbury Road

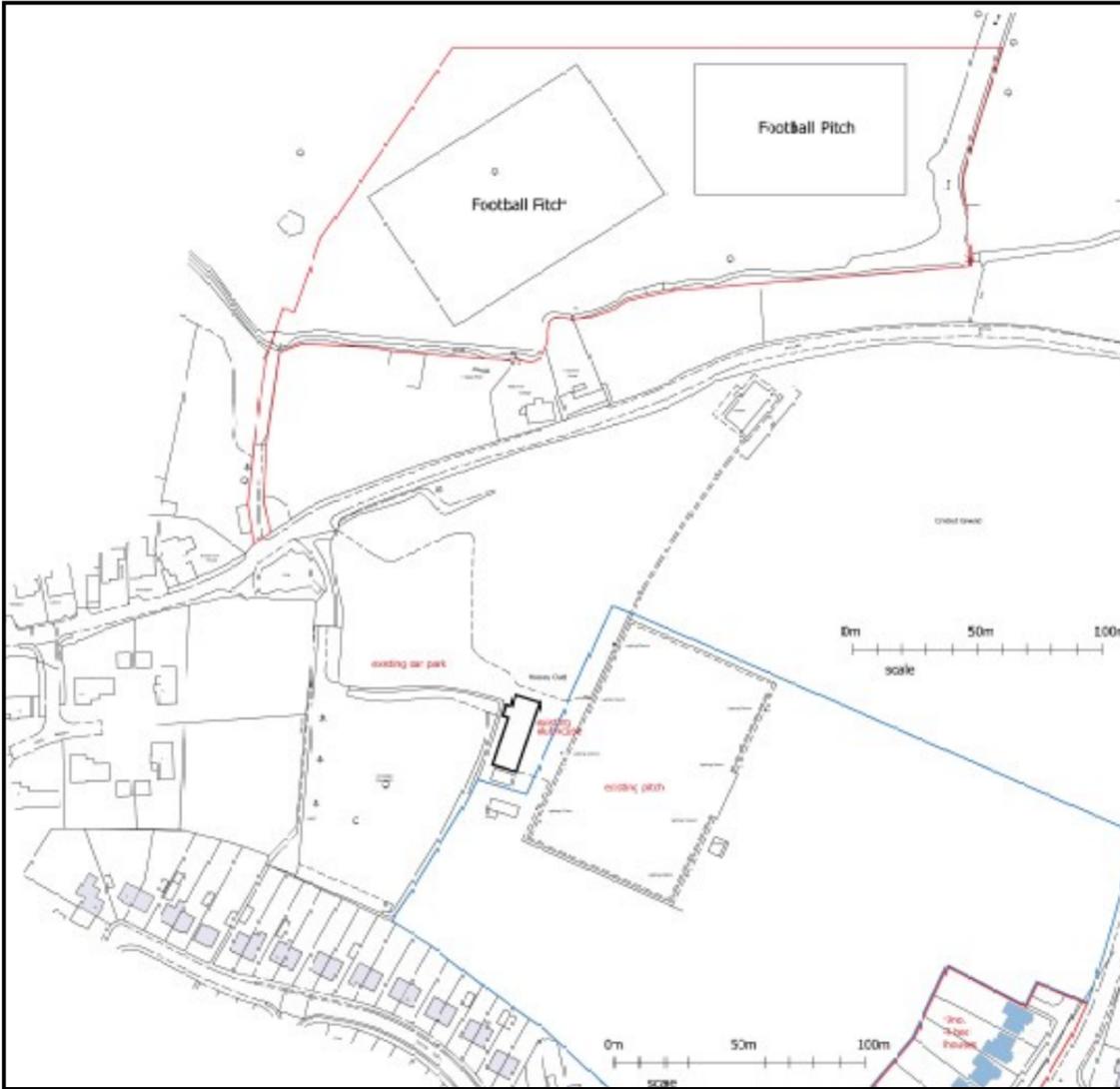


Figure 3 - Wider Site Layout Plan including location of proposed replacement sports pitches to north of existing pitches accessed off of Ball Lane

In support of the application several documents were submitted including a planning statement and a business plan.

9. The planning statement and business plan outline that the clubs current facilities are deteriorating and the club currently survives on membership fees and therefore costs associated with the upkeep of the grounds, all weather astroturf pitch and clubhouse must be borne by these fees. Currently the pitch will be unsafe and unplayable within 1-2 years. The monies raised from the proposed 9 dwellings would enable the astroturf pitch to be re-surfaced and a further re-surface in 10 years, the mortgage on the site to be cleared to enable membership subscriptions going forward to be utilised for the maintenance of the site, the provision of the two new pitches proposed under

this application and an extension to the clubhouse in the future to provide female changing facilities and replacement of leaking and rotting windows. As a result of the proposal, the use of the site for hockey and junior football will be protected for 20 to 25 years.

10. Historically hockey on the site was played on grass pitches but the sport now plays exclusively on artificial surfaced pitches, requiring less land for playing pitches. Currently the club has 150 adults and 200 junior playing hockey and up to 450 juniors every week. The Kennington Juniors and several schools use the facilities each week and it has been confirmed as part of the Ashford Borough Council Playing Pitch Strategy that the pitch quality is currently in a poor state and is a priority 1 issue and recommends a playing surface sinking fund is established going forward for its replacement.
11. The club owns the hockey pitch and clubhouse which sit within an 11 acre site. Capital assets exist but there is insufficient monies available to meet the £220,000 cost of the new astroturf pitch surface when taking into account the interest costs on the outstanding mortgage balance for the current pitch. The cost of the replacement playing surface would be in the region of £220k, additional associated costs could easily double this cost depending on what is required.
12. As a result of the depreciation of the quality of the playing pitch, together with improvements to facilities elsewhere members have left the club and gone elsewhere to play resulting in a complete men's team in the 2014-15 season. The new pitch would secure the future of the club and the new changing facilities for women would need to be met to ensure England Hockey's Equality Standards are adhered to. The land to the north of Ball Lane has been secured on 30 years tenancy to provide the two replacement sports pitches.

Planning History

DC	OA	16/01845/AS	Outline application for the erection of 9 dwellings to consider new access from Canterbury Road, with all other matters reserved	WITH	31/07/2018
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The above application sought a similar proposal for dwellings, but as outlined in the proposal section failed to off-set the loss of the existing sports pitch to facilitate the development.

Related history

DC	FA	15/01183/AS	Installation of no.4 5m columns with 5 LED	PERM	25/11/2015
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			floodlights attached		
DC	FA	89/00681/AS	Construction of one all weather hockey pitch with ancillary fencing and lighting	PERM	02/08/1989

Consultations

Ward Members: no comments received

Sport England: no objection raised subject to conditions:

- The development would meet exception 4 of Sport England's Playing Fields Policy, as it is proposed to re-provide the lost playing field
- Consultation was carried out with both the Football Foundation (FF) on behalf of the FA, and England Hockey (EH).
- The site is used extensively by Kennington Juniors Football Club with 450 players. The site is the club's 'home' and currently the number of pitches do not meet the clubs need.
- The Hockey Club has seen a doubling in its membership.
- A community use agreement needs to be agreed with Sport England and Kent County FA in line with the intended usage levels of the facility by the Football Club.
- The Playing Pitch Strategy for Ashford (2018) identifies the need to protect this site for football and that they are overplayed and there is a need to enhance pitch provision in the area to accommodate the demand.
- WC provision would not be possible but would be of benefit.
- Several key conditions need to be met including design of the pitches, construction, quality, maintenance, drainage
- EH has no objections to the proposed housing development, the existing Hockey AGP and Clubhouse needs an injection of finance to improve both facilities.
 - EH advise a condition is used to improve the facilities on the site from the monies raised.

KCC Highways: no objection subject to conditions with the following observations made:

- As the application is outline with all matters reserved except for access, layout has not yet been considered.
- The car parking associated with the two new pitches will be from the existing car park, players will then have to walk across to the pitches. A form of control will need to be provided to prevent vehicular access to the pitches apart from maintenance vehicles. Several lockable bollards should be secured by condition.
- The proposed T-Junction access is suitable for the proposed 9 units.

KCC PROW: do not wish to comment on the application.

KCC Ecology: general comment received requesting additional information to be submitted prior to determination, specifically the Ball Lane part of the site.

- Canterbury Road site has not changed significantly since the last ecological appraisal, this is still relevant, no further information is required for this site.
- Ball Lane site has not had any ecological information submitted for it and aerial photographs and biological records requires further information to be submitted to assess the potential ecological impacts. These must be submitted prior to determination.

Following receipt of additional information: raise no objection in light of the additional information received subject to a condition requiring the measures outlined in the Biodiversity Enhancement Strategy to be incorporated into an Ecological Management Plan.

KCC Heritage: consulted; raise no objection subject to a condition with the following observations made:

The site of the application lies in an area of archaeological potential associated especially with Palaeolithic remains and Roman activity. The site of the proposed football pitches lies on River Terrace Gravels and within an area where the deposits have potential to contain Palaeolithic artefacts and palaeoenvironmental remains.

The site of the football pitches is also crossed by the projected alignment of a Roman road which extends from the Weald, through Westhawk Farm Roman small town and up to Canterbury. This is just an alignment however, and there seem to be no clear indications of where this Roman road actually ran and in what condition it is currently. It may extend northwards along the alignment of Canterbury Road, closer to the proposed houses.

The site is within close proximity to some designated historic buildings, most of which are later post medieval residential but there are indications that Kennington was a medieval community and St Mary's Church is of 13th century date although it may have earlier origins.

Based on current information the proposed scheme has potential to impact on Palaeolithic Roman and later archaeology. As such it would be appropriate for some assessment of archaeological issues.

I note the application is supported by a Heritage Statement. This report considers the designated buildings and seems to focus on the impact on the setting of these buildings and the Conservation Area. There is no assessment of the archaeological potential although the AAP is mentioned. It would be preferable for this application to be supported by a full Archaeological Desk-based Assessment which should include a geoarchaeological assessment. The football pitches could impact on a Roman road and on rare Palaeolithic remains. I note that the groundworks are considered

shallow but the archaeology could be at surface level. The supporting Heritage Statement and the Design and Access Statement suggest the site has been ploughed but plough marks are only identifiable on a 2012 aerial photograph and before that the aerial photographs suggest the fields were predominantly pastureland. If a Roman road does survive on site, it may be in good condition including camber and parallel ditches, with associated cultural material.

In view of the potential for this scheme to impact on early prehistoric and Roman remains, there is a need for further consideration of archaeology. It may be that archaeology can be addressed through conditions on a detailed planning consent but this should be informed by an Archaeological DBA, including geoarchaeological assessment, and an Archaeological impact assessment.

KCC Lead Local Flood Authority (LLFA): request a drainage strategy for the site prior to determination.

Following receipt of additional information: raise no objection subject to condition as the drainage strategy provided demonstrates that the site would have a proposed run-off rate of 2l/s which complies with the requirement for small sites in our drainage and planning policy statement (June 2017).

ABC Drainage: understood further information is requested by KCC as LLFA, further comments will be provided on receipt of this information.

Following receipt of additional information: no objection raised but should the LPA be minded to permit, I recommend that conditions requested by KCC as LLFA are imposed.

Environmental Services: raise no objection with the following observations made:

3G and astroturf multi-use games pitches are often subject to assessment in respect of noise due to their specific use in respect of their:

- Proximity to housing –commonly occurring in urban and densely populated locations
- Reflection/propagation of sound on hard surfacing
- Ball strikes on boarding/fencing
- Shouts/whistles
- PA systems
- Multiuse issues i.e. hockey or other potentially noisy clubs/activities etc.
- Intensity of use – commonly used at a much higher intensity level than grassed pitches, for a much longer period especially when flood-lit and in use throughout the day and into the late evening (i.e. 2200hrs)

With reference to the submitted plans for two traditional grass pitches, the pitches stand at closest approx. 50m from the nearest dwellings, there is little in the way of hard surfacing, there is no planned boarding/fencing to create ball-strikes, there is no PA system, there are no significant multi-use issues, and given the lack of floodlighting and limited multi-use opportunities gives little concern with reference to

the intensity of use. The only noise source liable to be of interest is that of shouts and whistles associated with the sporting activity. Both of these noise sources are particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents, intensity of use of the pitches, and location on the pitches. Accordingly it is my opinion that an acoustic assessment is not liable to provide a robust or reliable assessment.

Environment Agency: raise no objection with the following observations made:

- Dwellings outside of floodzone 1
- A surface water flood risk would be required at reserved matters stage
- The conveyance of water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level.
- KCC LLFA should be consulted for their comments on surface water management.
- No concerns about the design or location of the proposed sports pitches but we would wish to be consulted at Reserved Matters stage on the precise layout and construction requirements.
- We would object to any loss of floodplain conveyance or storage capacity that may be caused by land-raising or bunding [**HDM&SS comment:** there is no proposal at this stage and any subsequent application in respect of the landscaping of the site and drainage strategy can be considered at this stage in consultation with the EA and KCC as the LLFA]

Southern Water Services: consulted; raise no objection subject to an informative

Kent Police: consulted; need to consider the layout, security of the dwellings, boundary treatments, access to pitches, placement of parking to ensure adequate surveillance opportunities and management of visitor spaces. [**HDM&SS comment:** the application is currently only at outline stage with all matters reserved other than access and therefore this would follow at reserved matters stage where it is considered it could be addressed.]

CPRE: object to the application on the following grounds:

- the loss of high grade agricultural land from agricultural production
- no facilities provided for new pitches
- site in floodzone 3.
- Other existing pitches at cricket club
- Future development [**HDM&SS comment:** this would require planning permission and consideration of the impact would be assessed under any such application, this is not currently being considered].
- Highway safety
- Planning obligations should be sought to upgrade the existing facilities from other development sites

Neighbours: 372 neighbours consulted:

192 support comments; with the following points raised:

- Support the proposal as it is beneficial for Ashford
- The scheme will provide much needed funding that will secure the future of the club
- The club is important to the community and the development will help retain it
- The scheme brings forward much needed housing in a good location
- The scheme will ensure the societal wellbeing of the community
- The additional pitch at the club will help attract new members
- The facilities at the club will be improved, helping to keep valuable players at the club
- Retaining and improving sports facilities like this in Ashford are vital to keep children and adults fit and healthy
- Provide first class sport to the local area and allow the club to move forward and progress
- Optimises existing site
- There is no clear planning policy conflict against the development and therefore there seems no reason that would prevent this development from being approved
- A new access would mean less inconvenience for local residents at Ball Lane
- The developments would take up some of the sports field but would still leave ample room for those sports to still take place
- The club would not be able to function without this development and could close or relocate out of the area
- Limited impact on existing dwellings

53 objection comments; with the following points raised:

- There have been no local consultees at Ball Lane or Orchard Lane [**HDM&SS comment:** consultations have been carried out by letter to over 300 local residents, planning notices were posted on Canterbury Road and on Ball Lane opposite the two parts of the site and a notice published in the local press as part of the planning application process]
- Speed of traffic and highway safety concerns including for pedestrians

- Impact of the closure of the A28 if permitted [**HDM&SS comment:** this would be a matter for the highways authority during construction work if approved and deliveries and site personnel parking could be secured by condition]
- Width of Ball Lane
- Loss of privacy as a result of the new dwellings proposed [**HDM&SS comment:** this is an outline application and would be considered as reserved matters stage should the application be permitted]
- Loss of privacy to the Old Schoolhouse and Apple Tree Cottage utilising the footpath along the fence line
- Impact on setting of the listed buildings (Old Schoolhouse and Apple Tree Cottage)
- Impact of future expansion of the site on the ability of vehicles to use the A28 [**HDM&SS comment:** this would be subject to consideration at a later date should an application be submitted, this is not currently something the Council are being asked to consider]
- Additional access for further development when they need additional funding in the future could a S106 agreement be imposed to prevent this from happening [**HDM&SS comment:** each application would have to be assessed on its own merits and any future development would need to be assessed in the future if an application is submitted]
- The houses at Tritton's Field would be affected by the new access road
- The entrance to the proposal is on a dangerous bend in the road – visibility onto the road will be poor
- The bus stop will require relocating [**HDM&SS comment:** this is a matter for the Highway Authority to consider with the applicant]
- The cricket club are also proposing housing [**HDM&SS comment:** this is not something being considered under this application and no planning application for any such development has been approved or submitted for consideration]
- Impact on wildlife and the validity of ecological surveys given their age [**HDM&SS comment:** the ecological information submitted and the update to it satisfies KCC Ecology]
- Impact on bats
- Quinn Estates proposed sports pitches nearby but it is understood that the club have confirmed they do not intend to have discussions to relocate [**HDM&SS comment:** this is not a material planning consideration]

- Pollution
- The pitches are within Floodzones 2 and 3
- Strain on public services which cannot cope [**HDM&SS comment:** the proposal does not generate the need for financial contributions in line with the Planning Practice Guidance thresholds]
- Loss of views [**HDM&SS comment:** loss of a view is not a material planning consideration]
- Longstanding bottleneck so the road is not suitable for this development or the one opposite unless KCC widen the road
- Many support comments come from those who do not live near the site [**HDM&SS comment:** any person is able to make a representation on the application, it is acknowledged that many of the support comments come from those who are/have been members at the club]
- No proof of other avenues of funding being exhausted have been proven [**HDM&SS comment:** this is not a material planning consideration in this case]
- Individual costings and certification of the destination of funds raised needs to be provided [**HDM&SS comment:** this is not a requirement of the planning policies nationally or locally which needs to be provided]
- Previously the club stated it had outgrown its site but now it states it needs to build on part of it
- There have been no copying across of the original comments on the initial application to this one and no community consultation [**HDM&SS comment:** fresh consultation on each application is required to be carried out as set out in the legislation, the LPA cannot assume the same comments apply on this revised application, the onus is on persons wishing to comment to submit these for consideration]
- The size of the dwellings would not address the shortage of affordable housing [**HDM&SS comment:** the proposal does not meet the threshold for affordable housing provision]
- The football club could utilise pitches at local schools [**HDM&SS comment:** this is not something which we have been asked to consider by Sport England or the FA as an alternative to offset the loss of the existing pitch]
- Impact of Brexit on farming and need for land
- Loss of and deterrent to those utilising the public footpath [**HDM&SS comment:** the public right of way would be unaffected by the proposal]

- Injuries from the waterlogging and muddy pitches [**HDM&SS comment:** this is not a ground for refusal]
- Potential for fatalities
- The new pitches are of a lesser quality than those which currently exist [**HDM&SS comment:** the proposed pitches would need to comply with the FA requirements in terms of specification]
- The NPPF clearly states that enabling development is only intended to be used for conserving and enhancing the historic environment.
- This is development outside of the built confines
- It is unclear how the pitches would be retained solely for the use of the Football Club as they are adjacent to the public right of way [**HDM&SS comment:** whilst the pitches are adjacent to the PROW, this would not prevent them from being used by the Football Club]
- There will be pressure in the future for changing facilities, floodlighting etc. **HDM&SS comment:** this is not currently something the Council are being asked to consider, this report seeks to make a recommendation on the merits of the application before us]
- The extra pitch will bring with it more people and more traffic
- The proposed two new pitches are on an area of farmland and are only being added in an attempt to appease bodies like Sports England.
- The development would not address the fundamental cash flow issues that the club is suffering from in the long term. How long before the money runs out and we move to the next piece of land.
- The club do not own the existing car park or access and that is why they are seeking alternative access so they do own it. People should be able to assess the proposed future access as those with houses backing onto the field would be interested to know where this will be [**HDM&SS comment:** this does not form part of the application under consideration]
- The proposal suggests there will be a total of 604 movements through the new access per day, going above and beyond what is proposed.
- The entrance to the development on a busy road would be dangerous with the new houses and with this being the main access to the club.
- Have major concerns as to the safety of pulling on and off of the development onto the Canterbury Road as it is a very fast road

- There is a blind bend near where the access is proposed which poses a danger
- This is only a temporary fix on sustaining the hockey club, with the rest of the club likely to be developed at some point [**HDM&SS comment:** this is not something which is currently under consideration]
- A28 is already a busy road, if the M20 closes traffic along the road doubles as traffic is diverted onto this road from the M2. If there is an accident the whole road into and out of Ashford comes to a standstill or is closed [**HDM&SS comment:** this is not a ground for refusal]
- If the hockey club can lease the ground in Ball Lane for 30 years why is this money not going into their new pitch.
- The access is perfectly suitable from Ball Lane so why is there a need for a new access that will potentially overload the A28 with traffic waiting to turn off
- This development would be inappropriate in a sensitive countryside location around the Ashford urban area and will damage the natural rural character of the area.
- It will cause damage to residential amenity through noise impact from games going on.
- There are no amenities at the site; for example parking, lighting, changing rooms, toilets, showers or any health and safety facilities in case of an accident.
- For each extra pitch there will be an increase of traffic down Ball Lane. With 5 additional pitches there would be a 20% increase in traffic down Ball Lane. A further two pitches on the cricket pitch would take that up to 60%.
- There is already sufficient land at the hockey club to accommodate the necessary pitches [**HDM&SS comment:** the loss of the existing pitch needs to be offset in accordance with policy]
- Sad to see the recreational land being sold off for financial gain
- This housing application, alongside proposals in the Greater Burton area, Julie Rose area, and other sites/ lands off Canterbury Road (including a park and ride proposal) will themselves bring significant traffic and traffic related issues to the Canterbury Road **HDM&SS comment:** consideration of their impact in this respect will be considered under the relevant planning applications and are not material to this scheme]
- This proposal should be part of a comprehensive masterplan rather than as a piecemeal approach. If the long term plan is for the club to move site and sell up for housing, this should be considered by the Council and Sport England to

become part of the Borough Plan [**JDCM comment:** the Council have to consider the merits of the application as submitted]

- Prevent the ability of the club to expand in future
- The future roadway will see more playing fields lost [**HDM&SS comment:** this would require the benefit of separate planning permission and is not currently being considered under this application]
- S106 monies from Conningbrook and Julie Rose developments could be used to fund the Hockey Club [**HDM&SS comment:** the monies secured through s.106 from already-consented developments within the Borough have already been secured for projects identified in those s.106s, these cannot be now diverted elsewhere]
- There is only a 30 year lease for the land for the pitches [**HDM&SS comment:** any development proposals which would cause the loss of these pitches would be likely, if they were in active use, to require them to be off-set elsewhere]

Planning Policy

13. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
14. The new Ashford Local Plan to 2030 has now been examined and the Local Plan Inspectors' report sets out the elements of the Submission Local Plan that they consider require amendment in order to be sound. In the context of paragraph 48 of the NPPF, this provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, these policies are sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' report, significant weight should be attached to the Inspectors' advice in the application of those policies.
15. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

GP12 – Protecting the countryside and managing change

EN9 – Setting and Entrances to Towns and Villages

EN10 – Development on the edge of existing settlements

EN23 – Sites of archaeological importance

EN31 – Important habitats

HG5 – Sites not on the proposals map

LE12 – Loss of playing fields

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles

CS2 – Borough Wide Strategy

CS9 – Design Quality

CS11 – Biodiversity and Geological Conservation

CS15 – Transport

CS18 – Meeting the communities needs

CS19 – Development and Flood Risk

CS20 – Sustainable Drainage

Tenterden and Rural Sites DPD 2010

TRS17 – Landscape Character and Design

Urban Sites Development Plan Document 2012

U0 – Presumption in favour of sustainable development

U23 – Landscape character and design

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

Ashford Local Plan to 2030 (Submission Version December 2017 as recommended to be modified by the Inspectors in their report)

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU3a – Residential windfall development within settlements

HOU5 – Residential development windfall development in the countryside

HOU12 – Residential Space Standards internal

HOU14 – Accessibility Standards

HOU15 – Private External Open Space

TRA3a – Parking Standards for Residential Development

TRA5 – Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV5 – Protecting important rural features

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

ENV13 – Conservation an enhancement of heritage assets

ENV15 – Archaeology

COM2 – Recreation, Sport, Play and Open Space

Supplementary Planning Guidance/Documents

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

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) 2018

17. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
18. Paragraph 48 states in relation to the stages of preparing a Local Plan that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

19. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
20. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
21. Paragraph 170 states that the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services should be included in the decision making process. This includes the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Footnote 53 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
22. Paragraph 175 outlines when determining applications, local planning authorities should apply principles to ensure if significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused... development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
23. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

24. Paragraph 189 outlines the requirement for applicants to submit a desk-based assessment and where necessary a field evaluation for sites where the proposal includes or has the potential to include, heritage assets with archaeological interest. Paragraphs 192-194 outlines the requirement to assess the impact of a proposed development on the significance of a designated heritage assets. It goes on to state:

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

National Planning Policy Guidance (NPPG)

Assessment

The following issues are considered to be raised by the application

- The principle of the development
- Visual Amenity and impact on heritage assets
- Residential Amenity
- Highway Safety & Parking
- Ecology
- Archaeology
- Flooding & Surface Water Drainage

- Other issues

The principle of the development

Dwellings

25. The application site is not allocated in the adopted or emerging local plan and therefore is a windfall site and considered against the adopted development plan policies and the guidance contained within the NPPF. The Local Plan Inspector's recent report to the Council confirms that they have concluded that there is a 5-year housing land supply. Consequently, for the purpose of assessing applications for housing, the 'tilted balance' contained within para. 11 of the NPPF (where schemes should be granted permission unless the disadvantages of doing so significantly and demonstrably outweigh the benefits) does not need to be applied.
26. The Local Plan was submitted for examination in December 2017. The Council may now adopt the Plan as soon as practicable with the amendments required in the Inspector's report unless the Secretary of State intervenes. Once adopted, the Local Plan 2030 will form the main part of the statutory development plan for the borough. Formal adoption is expected in February 2019. The emerging Local Plan policies should now be afforded significant weight in the planning balance.
27. Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the adopted Development Plan unless material considerations suggest otherwise. Section 70 of the Town and Country Planning Act 1990 is concerned with the determination of planning applications with regard to the provisions of the development plan, so far as they are material and any other material considerations.
28. The National Planning Policy Framework is one such material consideration. As set out above, the Framework indicates that the weight to be attached to existing policies in the development plan will depend according to their degree of consistency with the Framework as outlined under paragraph 48.
29. The proposed erection of 9 dwellings on the land to the south of the site would front onto Canterbury Road. Whilst the proposal is outside of the built up confines of Ashford, the location is not considered to be isolated in NPPF terms as the dwellings are in close proximity to every day community facilities and services including the local primary schools, Towers secondary school, St Marys Church and the local centre on Faversham Road and nearby Little Burton Farm estate. Regular bus services run along Canterbury Road to and from Ashford Town Centre and Canterbury as well as other local routes.

30. Saved policy HG5 states that residential development of five or more dwellings on sites which are not on the proposals map, except for windfall sites which have come forward for development within the confines of Ashford, Tenterden, Charing, Hamstreet or Wye would be permitted subject to

(a) the site being within walking or cycling distance of work, school, shopping, community and leisure facilities. The site would be sustainably located as outlined above and whilst outside of the confines, the site is adjacent to the confines of Ashford.

(b) The site must not displace other uses including leisure uses for which there is a need. This issue will be addressed as set out in the report which follows below.

(c) The proposal does not result in town or village cramming and is of a good design, this would be considered under the subsequent reserved matters application but given the number of dwellings and the site area, there is no reason to consider the proposal will lead to bad design.

The proposal would not generally conflict with the criteria set out under this saved policy, although it is contrary to the policy in terms of its location outside the confines of Ashford. However, this approach to “confines” is out of date under the NPPF’s policies, and the new Local Plan will replace this approach with one based on policy HOU5 as outlined below. Therefore this current non-compliance with saved policy HG5 should be given very little weight in the planning balance.

31. The development must also be considered against emerging policy HOU5, as Ashford is outlined as a settlement where new residential development close to or adjoining its built up confines is acceptable subject to meeting certain criteria which include the following:

a) the scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development, in liaison with service providers;

b) the site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;

c) the development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;

See highway safety/parking section.

d) the development is located where it is possible to maximise the use of public transport, cycling and walking to access services;

e) conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality;

See ecology and visual amenity sections.

f) the development (and any associated infrastructure) is of a high quality design and meets the following requirements:-

i) it sits sympathetically within the wider landscape,

See visual amenity section.

ii) it preserves or enhances the setting of the nearest settlement,

See visual amenity section.

iii) it includes an appropriately sized and designed landscape buffer to the open countryside,

See visual amenity section.

iv) it is consistent with local character and built form, including scale, bulk and the materials used,

See visual amenity section.

v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,

See residential amenity section.

vi) It would conserve biodiversity interests on the site and /or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

See ecology section.

32. The proposal only includes consideration of access from the A28, with all other matters reserved, consideration of how the proposal would comply in relation to the relevant sections is found in the corresponding section of this report. However, the principle of the development in respect of its

sustainability and access to services (criteria b. and d.) and ability of Ashford to absorb this level of development (criteria a.) is considered below.

33. Ashford has a wide range of services, the number of dwellings proposed is 9, and this would be commensurate with the size of the town and service provision available. In line with central government guidance contained within the Planning Practice guidance, there is no requirement to seek financial contributions to provision of off-site services including education, health and public open space to mitigate any harm in any case. The site is in very close proximity to these services and these can be reached both on foot, by cycle or public transport safely and with ease.
34. It is considered the development proposed would comply with criteria a, b and d of emerging policy HOU5.
35. The NPPF states, under paragraph 97 that existing open space, sports and recreational buildings and land, including playing fields, should not be built on. This is unless there is either:
 - a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*
36. In this particular instance, there would be the loss of one existing sports pitch and the provision of two new sports pitches resulting in a net increase of one sports pitch which is a public benefit. Improvements to the existing recreational building and artificial pitch on the site, both of which are in need of renovation and enhancement, would be potentially able to be funded by the applicant by the monies raised from the housing, but these improvements have not been designed, do not form part of this application and may require separate planning permission so they cannot be secured now even if there were a good planning reason to do so, which there is not.
37. Development plan policies both saved, adopted and emerging all take the same stance and therefore are in compliance with the NPPF. Saved policy LE12 states that proposals which include the loss of playing fields will be permitted where there is no significant impact on the quality or character of the local environment and, in this instance, an alternative playing field is provided of at least equal leisure value and located so that the local community can readily use it. As outlined above, the proposal would result in

the replacement of these facilities with like-for-like provision with a net benefit for users of the club and the wider community of an additional sports pitch. Sport England request a community use agreement be secured and this can be required by condition, therefore, in compliance with this aspect of the policy. The impact on the character of the local environment will be assessed under the following section of this report.

38. Adopted policy CS18 states that the loss of community facilities, which include recreation, sports and leisure facilities will be resisted, unless they no longer are required or are obsolete. The facilities are still required and are being replaced with like-for-like provision, therefore would comply with the policy.
39. Emerging policy COM2, which carries significant weight is in line with the provision within the NPPF under paragraph 97 in that it states that existing sport and recreational buildings and land shall not be redeveloped for other purposes, unless any loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
40. The existing pitches are all contained within a single site served by the Hockey Club pavilion and car park. The loss of one of the sports pitches and its replacement, like-for-like with a net increase of one pitch in terms of the current situation across the road, to the north would not be unacceptable. This would be easily accessible along the public right of way.
41. There is potential, as outlined in the comments received from concerned residents, that the pitches at the former cricket club, which is immediately adjacent to the hockey club at Ball Lane could be utilised. The Cricket Club have moved elsewhere within the Borough. However, its land is not within the control of the applicant but has been used by agreement with the Cricket Club. This form of permissive agreement cannot be relied upon in planning terms and this proposal seeks permission for development of a pitch on the application site and its replacement as described. Officers consider subject to conditions, that the proposal would comply with the aforementioned policies and guidance contained within the NPPF.

Replacement Sports Pitches

42. The NPPF outlines that where significant development of agricultural land is considered to be necessary, areas of poorer quality should be preferred to those of higher quality. Whilst the land on which the sports pitches are proposed is grade 1 agricultural land, which is the highest quality, a site visit and aerial photographs confirm it has not been used intensively in recent years for any arable crops and is used only for light grazing for pastoral farming. Furthermore, the proposed development would not preclude its future use given there is no intrusive operational development proposed which

would inhibit this use in the future. Therefore, it is not considered that the development in terms of the NPPF would be considered significant in scale or impact to conflict with this guidance.

Visual Amenity and impact on heritage assets

Replacement Sports Pitches

43. The proposed sports pitches are located to the rear of the existing dwellings fronting onto Ball Lane within the Stour Gap Landscape Character Area. Two of these are dwellings which back directly onto the site are Apple Tree Cottage and Old School House (Grade II listed). The rear of their gardens back onto the site with the dwellings set forward fronting onto Ball Lane. These sit within generous plots with large rear gardens.
44. Consideration of the impact of the proposal on the designated heritage assets would need to be assessed against the criteria set out under emerging policy ENV13 which states:

Proposals which protect, conserve and enhance the heritage assets of the Borough, sustaining and enhancing their significance and the contribution they make to local character and distinctiveness, will be supported. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings and areas into appropriate and viable use consistent with their conservation, will be encouraged.

Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their settings unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.
45. The above is supported by the guidance contained in the NPPF under paragraph 193 which seeks to ensure that the impact of development on heritage assets is considered against the significance of the heritage assets. Great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to the significance of a designated heritage asset including development within its setting, should require clear and convincing justification. Paragraph 196 goes on to outline where the harm caused by the development is less than substantial, this harm should be weighed against the public benefits of the proposal.
46. It is acknowledged that there may be some corner flags and goal posts erected. Control over any fencing that may be necessary to prevent stock straying onto the pitches can be secured by condition in order to ensure that it does not generate noise from ball-strike or harm visual amenity or the

landscape. The resultant visual impact would be minimal and not uncharacteristic of an edge of town location where sports facilities such as these transition into the open countryside beyond. This would not significantly harm the setting of the two listed buildings immediately adjacent to the site and the less than substantial harm caused would be outweighed by the public benefit of increased provision of sports pitches for the community. It is considered that the wider Conservation Area would be preserved by the proposed development of the sports pitches.

47. The site of the proposed sports pitches is within the Stour Gap Landscape Character Area and therefore development here would be considered against policy TRS17 and emerging policy ENV3a. The landscape objective here is to conserve and restore. The characteristics of the landscape here are of cattle grazed pasture with streams and scrub with willow, alders and poplars. The landscape is a parkland setting which is not visible from Ball Lane but is accessible on foot along a public right of way, so is visible from public vantage points. The proposal, as outlined above, would have a minimal impact on the landscape by virtue of the marking out of pitches and ancillary equipment such as flags and football goals. These would not have a significantly urbanising effect on the landscape, provided that any fencing is carefully controlled by condition, and overall the impact would not be uncharacteristic of an edge of settlement recreation facility.

Dwellings

48. This application is not considering the appearance, layout, landscaping or scale of the proposed dwellings only the vehicular access serving the site off of Canterbury Road. However, the indicative layout shows 9 detached dwellings arranged in a linear pattern of development. This is not dissimilar to the current rhythm and pattern of development which exists along this part of Canterbury Road. Whilst it would extend the built form along the Canterbury Road, this would not be out of character and the slight set-back location of the dwellings within the site enables landscaping to be considered to mitigate the loss of the existing hedgerow which would need to be removed to provide the relevant sight lines. This could be considered at reserved matters stage. While the detailed consideration as to whether the proposal would comply with criteria f. i)-iv) cannot be considered at this stage, it is considered that they can all be met in an acceptable manner at reserved matters stage. The proposed vehicular access onto Canterbury Road would result in a degree of urbanisation following the removal of the hedgerow but this could be mitigated through the replacement of hedgerow behind the sight lines which could be conditioned at reserved matters stage.
49. In light of the above, it is considered that the proposed development would not result in visual harm or significant harm to the setting of the designated heritage assets identified given its location and on the basis of the indicative

details provided. Details relating to the appearance, layout, landscaping and scale would be considered under any future reserved matters application.

Residential Amenity

Replacement Sports Pitches

50. The provision of two sports pitches would generate additional noise and disturbance. This is something which has been raised by residents. However, the proposal, would not result in significant harm to the amenity of existing or future residents as the pitches would only be in use during day light hours by virtue of the lack of external lighting and any public announcement system, both of which the Council could control by the imposition of a condition. Also there is no means of enclosure proposed which could result in noise emanating from ball strike and the pitches are located approximately 50 metres from the private garden areas of the nearest dwellings, Old School House and Apple Tree Cottage. Given this and that the only noise being generated being from shouts and whistles being blown, this would not give rise to a significantly harmful impact to the amenity of neighbours. As outlined by the Council's Environmental Health Officer, this is particularly difficult to assess due to the variability in terms of volume, intensity of noise incidents and the location of the pitches. It is considered, that whilst no noise assessment has been submitted, in the professional opinion of the Council's Environmental Health Officer, an acoustic assessment is not liable to provide a robust or reliable assessment of the impact, therefore no such report has been requested from the applicant. Based on this assessment, whilst there would be noise generated, it is unlikely to result in significant harm to the amenity of residents. Environmental Health, raise no objection on this basis.
51. Residents have also raised concerns regarding their amenity as a result of increased noise and disturbance and pollution as a result of the new pitches. The existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo.
52. Residents who back onto the land have also raised concern regarding overlooking of their gardens and a resultant loss of privacy. Given the size of these gardens, the separation distances from the pitches and the existing agricultural land, where a permissive footpath passes through without any means of enclosure, this would not result in any significant loss of privacy.

Dwellings

53. Criteria f. v) of emerging policy HOU5 requires new residential development to not result in harm to the amenity of nearby residents. Whilst the layout plan is only indicative, there is a sufficient separation distance between the existing dwelling adjacent to the site (No.352 Canterbury Road) and each of the proposed dwellings and as a result, there would not be overbearing impact to the amenity of the occupiers of this neighbouring dwelling. The details of the proposed dwellings is not for consideration at this stage. When being considered at the reserved matters stage it will be ensured that there are no windows on any of the proposed dwellings that would cause any unacceptable overlooking of existing dwellings and their private garden areas.
54. The indicative layout plan suggests that gardens can be provided to a size which complies with the Council's Residential Space and Layout SPD. The reserved matters application should ensure that the internal accommodation proposed complies with the National Space Standards. This can be secured by condition.
55. The proposed dwellings would be located to south of the existing pitches. Similar to the existing dwellings along Canterbury Road, there would not be any significant adverse impact on their amenity by virtue of the separation distances from the artificial pitch which is floodlit and can be utilised during the winter months during the evening period, whilst the remaining unlit pitches can only be used on the same basis as the proposed replacement pitches and are unenclosed and as they are not directly floodlit would not give rise to use at unsociable hours. Therefore, the proposed dwellings would not be subjected to undue noise and disturbance which would result in significant harm to the residential amenity of future occupiers.
56. Given the above, I am satisfied that the development would not result in unacceptable levels of harm to the residential amenity of neighbouring dwellings or future occupiers and as such the proposal would be acceptable in terms of impact on residential amenity.

Highway Safety & Parking

Replacement Sports Pitches

57. As outlined in the residential amenity section of this report, the existing site does not have a condition which caps the number of persons who are able to utilise it at any one time. It is located on a no-through road which in places is narrow, this prevents vehicles from travelling at speed. It should be noted that whilst there is an increase in the number of pitches, given there is only a net increase of one pitch above and beyond the existing situation, which also

takes into account the part of the wider site formerly used by the Cricket Club, this would not significantly alter the status quo. There is a large car park on site and whilst concerns have been raised about parents and those utilising the new pitches parking on Ball Lane, the Council cannot enforce where people park their vehicles but are satisfied that there is sufficient on-site parking to prevent parking on the road which would otherwise result in harm to highway safety.

Dwellings

58. Policy CS15 of the Core Strategy relates to transport impacts, and amongst other things states that developments that would generate significant traffic movements must be well related to the primary and secondary road network, and this should have adequate capacity to accommodate the development. This is reinforced by the requirement under emerging policy HOU5 under criteria c.
59. The site would be served by a new vehicular access off of the A28. Suitable visibility splays can be provide and turning on site through the provision of an internal access which would run parallel to the existing highway. It is considered by the Highway Authority, subject to conditions, that the proposed development would not give rise to highway safety concerns. Therefore, the development would be able to be safely accessed from the local road network. The vehicle movements associated with the 9 dwellings proposed can be accommodated without harm to highway safety.
60. Whilst this is only an outline application, the indicative layout proposed shows parking to serve each of the dwellings. This is in accordance with the Council's Residential Parking SPD but not the Council's emerging policy TRA3a which seeks 3 parking spaces for any dwelling with 4 or more bedrooms. It is, however, considered that the development would be able to accommodate sufficient parking and this could be demonstrated at reserved matters stage with a condition imposed at outline stage to secure sufficient parking in accordance with policy TRA3a. Therefore the development would comply with criteria c. of emerging policy HOU5.

Ecology

Replacement Sports Pitches

61. An ecological scoping survey was not submitted originally with the application in line with the requirement to consider the impact on biodiversity on and/or adjoining the site to ensure that there is no adverse impact to international and nationally protected species and their habitat. This is a requirement under saved policy EN31, emerging policy ENV1 and adopted policy CS11 which

are in accordance with the guidance contained within the NPPF under paragraph 175. It is also a requirement of European and National legislation. Following concerns raised by KCC Ecology, a scoping survey was submitted which concluded that the proposed development, which may include some levelling and subsequently, ploughing and sewing of new playing surfaces in accordance with the Football Association specification, and which is not dissimilar to an agricultural use on the site. Therefore, the proposal would not result in the need for a European Protected Species Licence. KCC Ecology are satisfied that subject to a condition imposed if permission is granted for an Ecological Management Plan, there would be no harm in respect of ecology and protected species. It is therefore considered, the proposal complies with both local and national policies.

Dwellings

62. The existing site is well maintained and of low ecological interest. There would be no harm caused to protected species or their habitats in line with the requirement under criteria f. vi) of emerging policy HOU5.

Archaeology

63. The proposed development of the replacement sports pitches would lie within an area of archaeological potential. A desktop study has been carried out as part of the submission which KCC Heritage's Senior Archaeologist confirms is sufficient to enable her to raise no objection subject to a condition to be imposed should permission be granted. It is considered that given the nature of the development and the imposing of this condition, there would be no harm to the significance of any archaeological remains which is in line with the requirements of the NPPF, saved policy EN23 and emerging policy ENV15.

Flooding and Surface Water Drainage

Replacement Sports Pitches

64. The replacement sports pitches are within floodzones 2 and 3, however their use is considered, under the planning practice guidance to be classified as 'a less vulnerable use' which is compatible with areas at risk from flooding. KCC as the Lead Local Flood Authority and the Council's Drainage Engineer have commented on the application and following the receipt of a Surface Water Drainage Strategy and a Flood Risk Assessment, the latter of which is required by emerging policy ENV6, the run off from the site would not be significantly altered.

Dwellings

65. The remainder of the site, is outside of the floodzones 2 and 3 and it is considered that there is the ability to control surface water run-off in line with the Council's Sustainable Drainage SPD and KCC's LLFA requirement under their drainage and planning policy statement (July 2017) for small sites.
66. No objection has therefore been raised in respect of flooding or surface water run-off as a result of the development proposal when taken as a whole. It is considered that there would not be an increase in surface water run-off or flooding elsewhere. Details of the design, construction and drainage of the proposed pitches would be addressed by condition to ensure they are able to be utilised all year in line with the comments from Sport England.

Human Rights Issues

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

Working with the applicant

68. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

69. The proposed development would result in the loss of an existing sports pitch but this would be off-set with two new sports pitches on land which is in close proximity to the existing site. The proposed loss of grade 1 agricultural land would not be significant and could easily be reversed in the future should the land no longer be required for the use proposed.
70. There is scope to secure provision which is of equivalent or better provision in terms of quantity and quality in a suitable location and this can be secured by condition as requested by Sport England. Whilst the site of the Replacement Sports Pitches is within Floodzones 2 and 3, given the nature of the use, this would be compatible with this designation and the Environment Agency and KCC as the LLFA raise no objection. There would be control of hours of construction, provision of lockable bollards to prevent anti-social behaviour,

control of permitted development, provision of parking spaces for the proposed dwellings, restrictions to prevent public address systems and floodlighting for the replacement sports pitches through condition to ensure there is no significant harm to amenity of local residents.

71. The proposed dwellings do not comply with saved policy HG5 in principle, but little weight should be given to this in this case, and they would comply with emerging policy HOU5 as they would be in close proximity to everyday shops and services and be in a sustainable location by virtue of this proximity and access to public transport. Matters relating to layout, scale, appearance, and landscaping are reserved for future consideration. However, based on the information available and indicative drawing submitted I am confident that a scheme can be designed which will represent an appropriate form of development that sits comfortably within its contextual setting in accordance with policy.
72. In terms of the impact of the development on the setting of the adjacent Listed Buildings and conservation area, I am satisfied that a scheme can be designed that would result in less than substantial harm to the setting of the Listed Buildings in accordance with policy. The public benefits of this proposal in terms of the replacement and additional pitches, and the modest contribution towards maintaining the Council's 5 year housing land supply would outweigh any limited harm that may arise.
73. There would be no unacceptable levels of harm to highway safety, ecology, drainage, flood risk and residential amenity which would warrant refusal of the proposed development.

Recommendation

Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with delegation to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to settle the wording of planning conditions as she/he sees fit with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 1st October 2018

Subject to the following Conditions and Notes:

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application
3. Biodiversity enhancement measures

4. Ecological Management Plan
5. Access and visibility splays
6. Parking spaces
7. Hours of construction
8. Construction and Transport Management Plan
9. Footways and carriageway works
10. Cycle Parking
11. Details of the lockable bollards to prevent vehicular access to the site off of Ball Lane
12. SUDs
13. Maintenance manual for the proposed sustainable drainage system
14. Submission of a Verification Report pertaining to the surface water drainage system
15. Protection of trees
16. Protection of hedgerows
17. Walls, fencing and boundary treatments
18. Removal of Permitted Development rights and requirement of prior approval of any means of enclosure or boarding around and adjacent to sports pitches off of Ball Lane
19. Landscape Management Plan
20. Living accommodation in accordance with National Space Standards
21. Control of use of approved dwellings as single dwellinghouses.
22. Refuse storage
23. Electric car charging points
24. Water consumption measures
25. Removal of household Permitted Development rights
26. Broadband Fibre provision
27. Disposal of sewage
28. Measures to protect existing sewage pipes
29. Archaeological Watching Brief
30. The development of the 9 dwellings hereby permitted shall not be commenced until the replacement playing fields have been completed and made available for use and a community use agreement approved and in place.

31. Pitches to be used only for football or hockey and retained and operated in accordance with the community use agreement.
32. Detailed design of proposed replacement sports pitches
33. Evaluation of ground conditions for replacement pitch site and specification of proposed soils, construction, drainage, maintenance and cultivation to enable it to be used for playing.
34. No external lighting for the new replacement pitches.
35. No public address system for the new replacement pitches
36. Development in accordance with the approved plans.
37. Development to be available for inspection.

Notes to Applicant

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and 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.
1. There is merit in meeting Kent Police to discuss the design and potential CPTED concerns at outline stage, also any formal applications e.g. SBD. We

would welcome a meeting with the applicant/agent to discuss site specific Crime Prevention in detail, any notes from the meeting may be passed back to Planning as part of our full response to this planning application. If the applicant/agent fails to contact us, it may affect the development and have a knock on effect for the future services and duties of the Community Safety Unit (CSU) and local policing.

2. The conveyance of surface water must not be impeded, the minimum floor level should be set an acceptable minimum height above the identified flood level and included in the submission for reserved matters.
3. No development or new tree planting should be located within 3 metres either side of the external edge of the public foul and surface water sewers and all existing infrastructure should be protected during the course of construction works. No new soakaways should be located within 5 metres of a public foul and surface water sewers.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>

No surface water is to be permitted to discharge to the public surface water network without prior approval from Southern Water.

4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained.

Applicants should contact Kent County Council - Highways and Transportation ([web:www.kent.gov.uk/roads_and_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

5. In accordance with BS5489 in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards.
6. The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011).

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 18/01140/AS)

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Annex 1

