

Application Number	19/00052/AS
Location	Land south of Captain's Wood, Land at Cheeseman's Green, Cheeseman's Green Lane, Kingsnorth, Kent
Grid Reference	03029 / 39133
Parish Council	Mersham
Ward	Mersham, Sevington South with Finberry
Application Description	Proposed construction of 17no. residential dwellings (C3 use) with associated access, parking and landscaping
Applicant	Crest Nicholson (Eastern) Ltd, Academy Place, 1-9, Brook Street, Brentwood, CM14 5NQ
Agent	Carter Jonas LLP, One Chapel Place, London W1G 0BG
Site Area	0.25ha

Introduction

1. The Cheeseman's Green (Finberry) development site was granted outline planning permission in 2005 (subsequently renewed in 2012) for approximately 1,100 dwellings and business floorspace (including live/work units) together with mixed use community facilities and associated access roads, footpaths, cycle routes, landscaping and public open space.
2. The full planning application subject to this report, concerning a small area of land south of Captain's Wood, has been submitted alongside amended plans for reserved matters application 16/00125/AS (which concerns approval of reserved matters in relation to 326 new dwellings with associated highways, parking and landscaping works).
3. The Planning Committee will recall that in accordance with the Council's scheme of delegation, and in consultation with Members, it was resolved to approve application 16/00125/AS on 19 July 2019. As such, at the time of

preparing this report, the decision notice on that related application is being finalised for issue.

4. A full application has been made because the 17 dwellings, when combined with the 326 dwellings subject of 16/00125/AS, would take the total number of dwellings at the site beyond the 1,100 granted outline planning permission. By definition, the 17 dwellings cannot therefore come forward as a submission for approval or reserved matters.
5. This application is reported to the Planning Committee because the proposed scheme concerns a full proposal for residential development of over 10 dwellings. In accordance with the Council's scheme of delegation, it therefore falls to the Planning Committee to determine this application.

Site and Surroundings

Cheeseman's Green

6. The wider Cheeseman's Green development site occupies approximately 168 hectares of former agricultural land on the south eastern outskirts of Ashford and abuts the southern side of the Southern Orbital Road (A2070).
7. The East Stour River is located to the north east of the Cheeseman's Green site and the Park Farm East (Bridgefield) development and the Ashford to Hastings railway line are both located to the south-west of Cheeseman's Green.
8. A group of farm buildings known as Bilham Farm occupy land on the south-western side of Cheeseman's Green. Beyond that point is agricultural land through which a series of dykes pass. This land is to be ecologically managed and remain un-built upon except for two road connections to be created linking Park Farm East with Cheeseman's Green.
9. There are a number of Tree Preservation Orders (TPOs) within the Cheeseman's Green site. Of greatest relevance to the application site subject to this report, TPO number 06, 2006 affords additional, legal protection to Captain's Wood along with five individual trees and a further small group of trees to the south of the woodland.

Application site

10. The application site, **figure 1 (annex 1)**, is located within the parish of Mersham to the south of Captain's Wood. The site is an 'L-shape', under one

hectare in size, and is embedded as an 'island' within the site boundary of the associated 16/00125/AS reserved matters application for 326 dwellings (pursuant to outline application 02/00278/AS).

11. The application site is bounded to the north by Captain's Wood and preceding development parcels at Finberry. These developments are discussed further in the planning history section of this report.
12. The site is currently an undeveloped field. Some boundary trees affected by the Captain's Wood TPO are located to the south west of the site's confines. The site is found within an area of archaeological potential associated with multi-period activity. An existing public footpath (AE345) runs adjacent to the site. The site is not located within flood zone 2 or 3. Landscape character area 'Aldington Ridge' also affects the site.
13. The nearest existing residential dwelling is located over 200 metres from the site.
14. **Figure 1** displays the application site location (red boundary line) in relation to the site boundaries of the wider reserved matters application (16/00125/AS) indicated by the blue boundary line and existing development at Finberry.

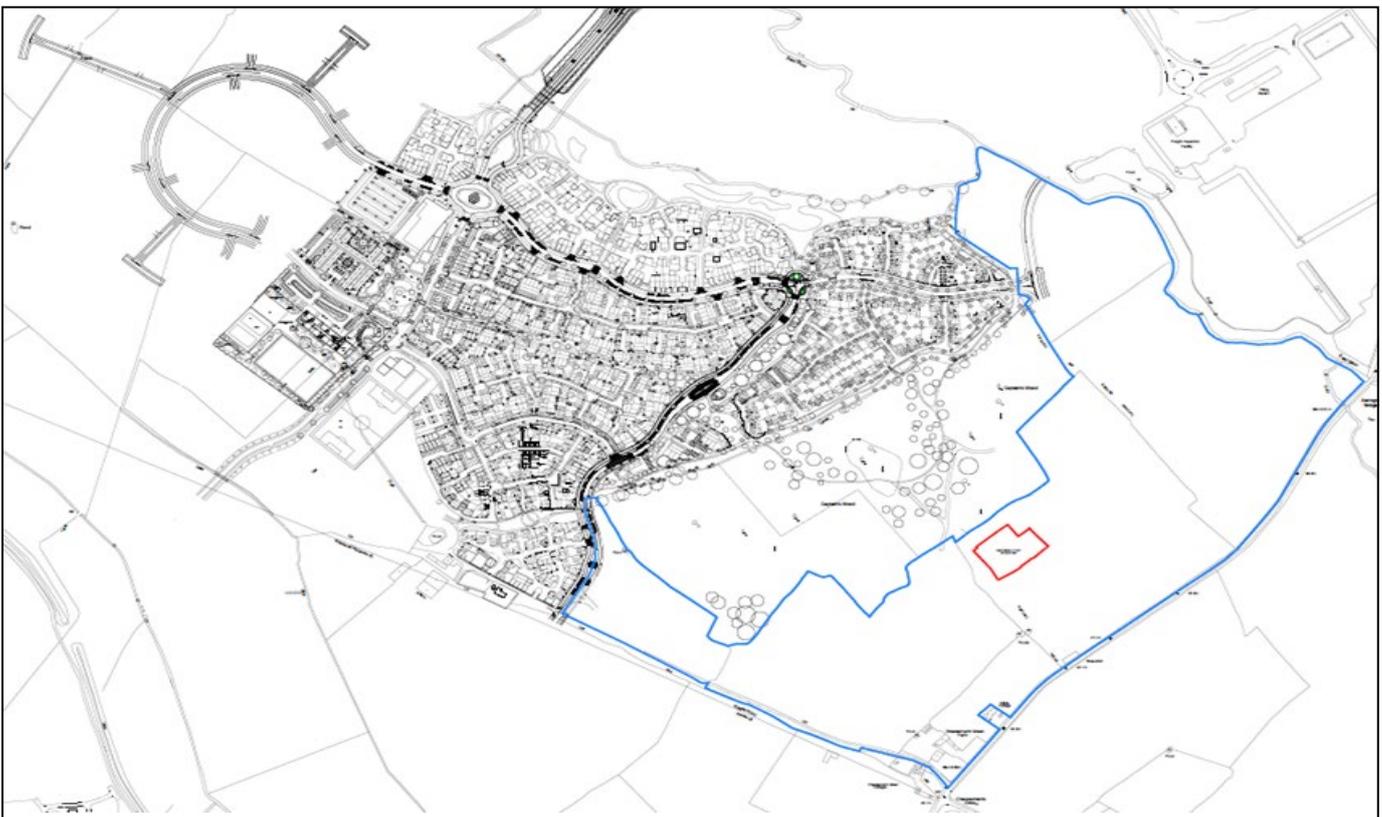


Figure 1 - Application site location (red boundary line)

15. In relation to the wider 16/00125/AS reserved matters application, the application site would directly front a highway to the south east. This road would act as a local distributor throughout the wider 'reserved matters' site. An ecological buffer to the north separates the development from Captain's Wood. To the south west would be the local equipped area of play which is found within the green corridor running through the wider site from north-west to south-east.

Proposal

16. A full planning application has been made for the erection of 17 dwellings, parking, landscaping and access at land south of Captain's Wood. The dwellings represent a mixture of proposed typologies and sizes. The site falls within land parcel B4/B5 of the overall development phases of the wider Cheeseman's Green (Finberry) development.

Character, design, detailing and layout

17. The proposed buildings range from detached, terraced to semi-detached typologies. A landmark apartment building is also proposed to the prominent corner of the application site, fronting the main highway and the green corridor of the wider site.
18. Along the main road, the building heights step down from the three storeys of the flatted development to the two storeys of the remaining house types. Facing Captain's Wood, the development would feature detached and semi-detached houses of two storeys which would be accessed by a lane ending at the green corridor.
19. Visually the houses would be traditional in appearance, featuring hipped and gable end roofed elements. The building lines would be relatively uniform in relation to the road and lanes. Spacing between dwellings would break up the frontages, while providing external side accesses and rear gardens for the houses. The flats would benefit from balconies of seven sq. m facing the green corridor. **Figures 2 and 3** provide an example of the proposed appearance of two of the proposed house types. **Figure 4** provides a drawing of the front elevation of the apartment building.



Figure 2 - Example house type

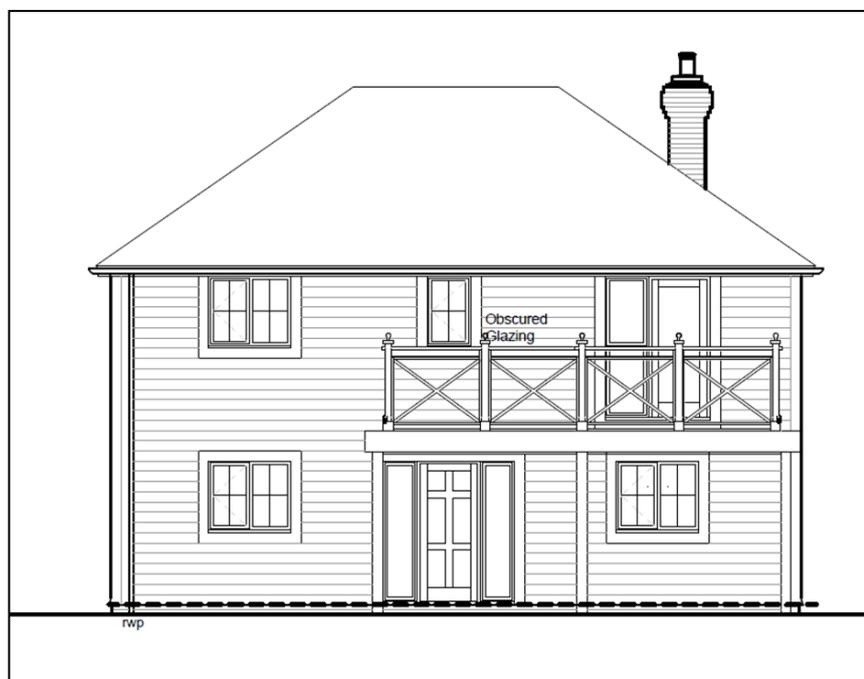


Figure 3 - Example house type



Figure 4 - Front elevation of proposed flatted building

20. In terms of finish, the dwellings would possess feature cladding with the intention of alluding to a 'New England style'. This design approach would be further characterised by a mixed choice of cladding colour and fenestrated elements to break up the elevations. The scheme also presents the use of balconies as additional external open space to the front of some of the houses. This would further allude to the general character of the design approach.
21. Attached and detached car barns and garages would serve some of the houses and would use a similar external finish to the buildings. Similarly, a proposed cycle and bin store would be of a consistent design approach and situated within the rear courtyard. **Figure 5** illustrates how the proposed street scene would look when finished.



Figure 5 - Example proposed street scene

22. Details of landscaping have also been provided to soften the elevations across the site. Landscaping would predominantly take the form of shrub and hedge planting in front gardens with scattered tree planting across the site and as part of the street scene.
23. The proposed layout is shown in **figure 6** below. A small courtyard within the centre of the plot provides a landscaped parking court, the cycle and bin store.



Figure 6 – Proposed layout

Housing mix

24. The proposed development of 17 dwellings would comprise two detached houses, six semi-detached houses, three terraced houses and six apartments. The scheme proposes the housing mix shown in **figure 7** below. All houses and apartments would be provided for private tenure.
25. The proposals would mitigate the requirement for affordable housing off-site within the adjacent confines of the 16/00125/AS reserved matters application.

Type	Quantity
2 bedroom apartments	6
2 bedroom house	2
3 bedroom house	7
4 bedroom house	2
Total	17

Figure 7 - Proposed housing mix

26. The proposed affordable housing would comprise 5 houses delivered off-site as part of the affordable housing groups proposed in the layout for the reserved matters application 16/00125/AS. The 5 houses would be made up of 2 x two bedroom apartments, 2 x two bedroom houses and 1 x three bedroom house.

Parking

27. In total, 32 vehicular parking spaces would be provided. The arrangements are shown in the table, **figure 8**, below.

Type	Total
Allocated driveway/ allocated courtyard parking	22
Covered private parking	8
Unallocated parking	2
Total	32

Figure 8 - Proposed parking arrangements

28. As shown above, parking would take a variety of forms to meet the needs of future residents and visitors to the development. Allocated parking for the houses would be achieved to either the front or side of the unit, within the plot. Some of the houses benefit from either a car barn (or garage parking space if the plot is a larger one). In terms of the larger units, the 4 bedroom houses have three parking spaces while each 2 and 3 bedroom house would have two parking spaces.
29. The apartments have one allocated parking space per dwelling within the rear courtyard. In addition, there would also be two unallocated parking spaces within the courtyard.
30. Cycle parking spaces for the apartments would be located in a stand-alone facility adjacent to the flatted building. Cycle parking spaces for the houses would be provided within each house plot.

Supporting documents

31. The following supporting documents have been provided in relation to this application and are summarised below.

Design and Access Statement

- The 17 units, whilst being a new application, accord with the relevant core principles of the Finberry masterplan, design brief and technical constraints. The proposals are also compliant with relevant Ashford policies including the 30% provision of affordable housing. However, the 5 affordable dwellings required will instead be delivered on the adjoining reserved matters parcel to ensure a holistic provision of affordable homes across the site.
- The New England style of development has been designed to take precedents from the boarded properties synonymous with the Kent vernacular and whilst this is a new application, it must be emphasised that it is the result of a holistic re-design of the B4-B8 parcels and purely identified for planning application purposes.

WSP Letter (dated 8 January 2019)

- We have reviewed the above reports and revised layout [to include the 17 additional units, subject to this report] and can provide assurance that the design changes do not impact the Surface and Foul Water Strategy and the junction amendments do not affect the conclusions of the Transport Analysis undertaken.

- Therefore, we can confirm that our original reports are not altered by the additional dwellings and the strategy and conclusions still apply and the 17 units are acceptable.

Arboricultural Technical Note

- Within the phase comprising the land to the south of Captain's Wood, there is minimal loss of hedgerows and some smaller hedgerow trees, to accommodate the distributor roads E and F which pass through the development parcels. This is consistent with the phase boundary identified on Tree Constraints Plan and labelled as 'Residential Use'. This is reflected in Ecological Impact Assessment.
- It is considered that the development associated with the land south of Captain's Wood will not vary the overall loss of vegetation and therefore the effects upon vegetation would represent no change from the 2002 Environmental Statement (ES).

Reserved Matters Assessment of the Potential Environmental Effects of the Proposed Variations

- The proposed variations between the 2002 Illustrative masterplan and the revised masterplan, which includes the proposals for the Land South of Captain's Wood phase have been outlined and the potential changes to the 2002 ES assessed.
- Overall it is considered that the design for the Land South of Captain's Wood phase will not change the 2002 ES assessment. The slight changes in the layout of the roads, number of dwellings and change in density within the Land South of Captain's Wood phase does not affect findings in the review of air and noise topics, these remain the same effect as the 2002 ES. Additional visual receptors have been identified as a result in the change to the existing baseline, but the effects are considered the same as the previous viewpoints in similar locations.
- Overall there is no material change in the findings of this Addendum and those of the 2002 ES.

Atkins Letter (dated 20 December 2018)

- In relation to the originally proposed RM layout:
 - There are no changes to hydrology or flood risk assessment;
 - Public Rights of Way findings remain the same;
 - All trees and hedgerows remain the same, and are subject to ongoing in-site monitoring;

- Landscape treatment provides a similar set of measures and considers the connection the Captain's Wood;
- Landscape and Visual Amenity findings remain the same. For the visual assessment we note the design of this phase incorporates 17 additional units within phase B4, designed to provide a New England style with weatherboarding and design detailing reflective of this style of architecture. This will provide a strong contrast and unique character within the Finberry development. This will not vary the findings of the landscape and visual assessment, we consider scale and massing to be substantially the same.
- Noise and Air Quality – These assessment findings remain substantially the same with no anomalous local trends since the previous assessments. We do note that assessment tools have changed since 2015.
- Ecological Impact Assessment - Overall, the proposed layout does not change the assessment findings as written.

Planning History

32. A comprehensive planning history of the development at Cheeseman's Green is detailed below:

02/00278/AS – Outline planning permission granted in 2006 for the erection of for 1100 houses and 70,000 square metres of business floorspace together with mixed use community faculties, access roads, footpaths, cycle routes, landscaping and public open space. This application was subject of an s.106 agreement signed in 2006.

09/00081/AS – Reserved matters (all matters) application approved for the erection of 43 new residential units on land at Bilham Farm, alterations to Bilham Farmhouse (in connection with its continued residential use), garaging/parking, service areas and internal access roads for the residential development, construction of a new junction on A2070, construction of principal access road and necessary distributor roads to link the A2070 to the Bilham Farm site, surface water compensation measures and landscaping (incorporating ecological habitats). This phase is known as the Bilham Farm phase.

09/01566/AS – Reserved matters (all matters) approved for the erection of 140 new dwellings ('Stour Meadows'), landscaping, parking areas, amendments to the approved access road, amendments to distributor road A, and surface water drainage measures. This phase is known as Stour Meadows.

10/00672/AS – Planning permission granted for the construction of an interim

junction to include a left in/left out access from the A2070, improvements to Orbital Park roundabout, amendments to the principal access road including the gateway to the development site and associated landscaping and flood compensation measures.

10/01277/AS – Reserved matters approved for the erection of 245 new dwellings ('Green Street') with associated parking, landscaped areas, Construction of 245 new dwellings with associated parking, landscaped areas and internal roads for the residential development, amendments to distributor roads A and B, details of distributor road C and surface water drainage measures. **11/00473/AS** - Variation of Condition 32 of outline planning permission 02/00278/AS and an addendum to the Environmental Statement. **[HoP&D note: This resulted in a new outline permission being issued together with a new S.106.]**

13/00294/AS – Planning permission granted for two pumping stations.

14/00174/AS – Reserved matters application for the erection of 42 dwellings with associated parking, landscaped areas and surface water drainage measures (Village Centre gateway phase). This application is an alternative scheme that the applicant proposes to withdraw if the current application is successful.

14/00535/AS – Application under S106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the funding toward Secondary Education. This application is currently being considered.

14/00536/AS - Application under s106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the provision funding toward the provision of a Railway Bridge. This application is currently being considered.

14/01075/AS – Reserved matters application approved for the construction of 113 new dwellings with associated access, parking and landscaping to include details of the captain's wood locally equipped area of play ('The Grove' phase).

14/01325/AS - Reserved matters application approved (all matters) for details of cycle and pedestrian access, installation of fences, gates and site furniture including outdoor fitness equipment, educational/information boards and way markers with associated landscaping, ecological and management plans. This application related to Captains Wood.

15/00544/AS – Application for advertisement consent approved for the display of two non-illuminated advertisement hoardings at Finberry.

15/00356/AS – Application under s106A of the Town and Country Planning Act 1990 to modify the planning obligation of 30 January 2006 as varied by Deed of Modification dated 20 July 2012 concerning the provision of mixed use units (also known as live work units). This application relates to the detail in application 15/01586/AS further below and following approval of that application under delegated powers the related modifications to the s.106 agreement are being taken forward.

15/000569/AS – Full planning application granted relating to details of strategic surface water drainage including, attenuation basin and underground geo-cell attenuation, formation of newt/reptile mitigation area, landscaping features, ecological and landscape management plans, and associated works. This application amends some of the details previously approved under 09/00081/AS.

15/00648/AS - Planning permission granted by Kent County Council for the creation of a 2- form entry primary school comprising a two storey building, access, car parking and pick up/drop off bays, external play areas including a MUGA, informal play area and grass playing field and hard and soft landscaping.

15/00806/AS – Application for reserved matters for distributor road D - with associated access and works, including footpaths, parking, landscaping and part of distributor road C. This application is currently being determined and is an alternative scheme for Distributor Road D. It is likely that following the decision on application 15/01586/AS this application will be withdrawn by Crest Nicholson as it is now unnecessary.

15/01442/AS – Full planning permission granted for the erection of an electrical substation with associated vehicle crossover & parking.

15/01586/AS - Application for approval of reserved matters for access, appearance, landscaping, layout and scale for the construction of 67 new dwellings/apartments including 9 live-work units, Class B1 (office) floorspace, with associated parking, landscaped areas, internal roads, details of distributor roads D, D1 and part of C, and surface water drainage measures. Approved under delegated powers in March 2017.

16/00124/AS - (Bilham Lawn Phase) Construction of 86 new dwellings with associated access, parking, landscaped areas, internal roads for the development, details of part of distributor road C and surface water drainage measures. Approved under delegated powers August 2017.

16/00125/AS Construction of 326 new dwellings with associated access, parking, landscaped areas including a neighbourhood play area, internal roads for the development, details of distributor roads E and F, Waterbrook

Link Road, a district play area north of Captain's Wood and surface water drainage measures. Approved under delegated powers July 2019.

Consultations

Ward Members: The Ward Member, Councillor Bartlett, has not formally commented in relation to this application. Cllr Bartlett is not a member of the Planning Committee.

Mersham with Sevington Parish Council – No comments received.

KCC Highways and Transportation - Commented in relation to the 16/00125/AS application. No objection raised.

KCC Flooding and Water Management – No objection subject to the attachment of relevant conditions.

KCC Heritage – No further archaeological works required.

KCC Ecological Advice Service – Reference made to previous correspondence regarding the original layout of the reserved matters application. Relevant conditions therefore advised.

KCC Public Rights of Way – No objection. Request made for a planning contribution to improve the accessibility of the paths.

KCC Economic Development – The development would generate an additional impact on the delivery of council services which will require mitigation either through the direct provision of infrastructure or payment of an appropriate financial contribution. An informative relating to broadband provision is also requested. The requested contributions relate to:

- Primary education and secondary education
- Community learning
- Youth services
- Libraries
- Social care

Environment Agency – No comments received.

Natural England – No comments received.

Highways England – No objections raised on the basis that the proposals will generate minimal additional traffic on the strategic road network in peak hours.

Southern Water – Request for a relevant condition attached to any permission granted.

Ramblers – No objections raised and supportive of KCC PRow's request for a planning contribution.

Forestry Commission – No comments received.

Kent Wildlife Trust – No comments received.

NHS Clinical Care Commissioning Group – No comments received.

Project Office (Drainage Engineer) (ABC) – No comments received.

Housing Services (ABC) – “The site is located in the hinterlands area of the Ashford borough. There is an expectation that two of these homes will be made available for affordable rent homes and three homes for an affordable home ownership product, two being shared ownership and one being either shared ownership or a low-cost home-ownership product agreed by the Development Partnership Manager within the authority. The council therefore requests that the 2 x 2-bed houses are made available as affordable rent; with 2 x 2-bed flats and 1 x 3-bed house being made available for affordable home ownership. The properties should meet nationally prescribed space standards. The affordable housing properties should be visually integrated into the site. 20 per cent of houses should be M4(2) standard. There is one additional caveat to this site, however. We have on our waiting list a family in need of a six-bed home due to the size of their family. This home must be provided in this area due to the family's support networks and reliance on local schools. We are awaiting need for possible adaptations for wheelchair access and a wet room. Should the developer be willing to re-think the plans to incorporate a 6-bed home we would be willing to speak to planning colleagues regarding an alternative mix for this site.”

- **[HoP&D comment** –The planning obligations section of the assessment section below, explains that affordable housing will be provided off-site but integrated within the wider land south of Captain's Wood development.]

Environmental Health (ABC) – No objection.

Environmental Services (Refuse) (ABC) – The refuse store serving flats 1-6 is located inappropriately. The refuse tracking also needs to loop in order for a refuse collection vehicle to collect from all properties in a forward gear.

- **[HoP&D comment – Amended plans have been received that respond to the above concern.]**

Cultural Services (ABC) – Request made for open space contributions.

Kingsnorth Parish Council – Support the development.

Neighbours - 10 consulted. No comments received.

Planning Policy

33. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).

34. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

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

Ashford Local Plan to 2030

- **SP1** – Strategic Objectives
- **SP2** – The Strategic Approach to Housing Delivery
- **SP6** – Promoting High Quality Design
- **HOU1** – Affordable Housing
- **HOU3a** – Residential Windfall Development within Settlements
- **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
- **TRA5** – Planning for Pedestrians
- **TRA6** – Provision for Cycling
- **TRA7** – The Road Network and Development
- **ENV1** – Biodiversity
- **ENV4** – Light Pollution and Promoting Dark Skies
- **ENV5** – Protecting Important Rural Features
- **ENV6** – Flood Risk
- **ENV7** – Water Efficiency
- **ENV8** – Water Quality, Supply and Treatment
- **ENV9** – Sustainable Drainage
- **ENV12** – Air Quality
- **ENV15** - Archaeology
- **COM1** – Meeting the Community’s Needs
- **COM2** – Recreation, Sport, Play and Open Spaces
- **IMP1** – Infrastructure Provision

Supplementary Planning Guidance/Documents

- Sustainable design and construction
- Sustainable drainage
- Residential Parking
- Residential space & layout (External space standards)

- Dark Skies SPD

Village Design Statement

Mersham Village Design Statement

Government Advice

National Planning Policy Framework (February 2019)

36. 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:-

Paragraph 08 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Assessment

37. The main issues for consideration are:

- Whether the development is acceptable in principle
- Whether the character, layout and visual impact of the development would be acceptable
- Whether the development would be acceptable in terms of residential amenity
- Whether the development would be acceptable in relation to highways and transportation issues
- Whether the applicant's approach to ecology, sustainable drainage, archaeology and other matters would be acceptable
- Whether the impact of the development on local infrastructure could be mitigated by appropriate planning obligations

Principle of the development

38. While the application site is presently undeveloped and rural in nature, it is located within the Finberry development where the principle of a housing-led development has long been accepted by the Council with permission granted for 1,100 homes. The approval for application 16/00125/AS sets out the detail of the layout in this part of the Finberry site. The scheme subject of this application should therefore be considered as windfall development *within* settlements and therefore in accordance with adopted Ashford Local Plan 2030 policy HOU3a.

39. Policy HOU3a states that 'residential development and infilling of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines', providing that a series of criteria are met. Namely these concern, among others, whether the layout, character and density would be compatible with the surrounding area, whether undue harm to residential amenity would occur, whether the development would need substantial infrastructure to support it, and whether the development could be satisfactorily accommodated within the existing road network.

40. More generally, policy SP6 requires developments to take an approach of high quality design and ENV5 emphasises the requirements of developments to take protect important rural features.
41. HOU18 requires an appropriate mix of housing typologies and other policies such as HOU12, HOU15 and ENV9 set the standard that development should achieve within the borough with regards to space standards and SuDS respectively.
42. I deal with these matters in the following sections of this report.

Character, layout and visual impact

43. The proposed layout would be consistent with the approach taken across the Finberry site and has been designed to integrate with the approved reserved matters layout subject of application 16/00125/AS. The site is contained with a clear and distinctive character fronting the public realm. The dwellings would be located adjacent to areas of open space (linear around Captain's Wood and a planned area as part of a green spine of open space structuring the layout and connecting to Captain's Wood and the path system already agreed by the Council through that Wood) and so well connected with other areas and facilities at Finberry.
44. Moreover the grain of development proposed is logical; external private amenity space would be contained predominantly to the rear of properties, and an appropriate level of spacing would be implemented in relation to the public realm. The parking court to the centre of the site is proportionate in size without detracting from the overall design approach to this Parcel.
45. In terms of prevailing density, I am satisfied that the approach taken with this application would be consistent with the approved reserved matters application site 16/00125/AS. This provision of an additional 17 dwellings within the wider site would assimilate within the reserved matters phase and would not appear incongruous in relation to the overall character of that phase.
46. The apartment building would appropriately act as a building with landmark qualities within the development due to its enhanced 3-storey vertical scale featured on the corner of the site and at the road junction and adjacent to the green corridor running through the wider site. The 3-storey building height would be appropriate within this context, without appearing incongruous in relation to neighbouring buildings of 2-storeys and the adjoining open space.

47. The proposed finish of the dwellings would be of high quality. I am satisfied that the 'New England style' of feature cladding and balcony elements would be appropriate within the context of this development. The approach would provide a distinctive character, while paying a subtle homage to weatherboarded features found within the Kentish vernacular. Alongside sympathetic landscaping details to be secured by condition, I am satisfied that an attractive sense of place can be achieved that would not detract from the overall high quality development found to date throughout the preceding phases at Finberry.
48. In light of the above, I am satisfied that the chosen approach is consistent with that being taken in respect of the adjoining land and the resulting character would afford an attractive sense of place. In accordance with policy HOU3a, the development would be appropriate in relation to the prevailing character of the area.

Residential amenity

49. For future occupiers to the development, the residential space and layout SPD and policies HOU12, and HOU15 set out the minimum space standards for development within the borough. The proposed development complies with these standards internally. External private amenity space meet the required standards.
50. A planning condition attached to any permission granted would be needed to protect proposed unit 17 from the potential of overlooking from the balconies of second and third storey apartments. The condition would require the applicant to provide details of a screen to be fitted to these balconies – a similar approach has been used elsewhere in Finberry to provide acceptable layout relationships.
51. In light of the above and in accordance with policy HOU3a, I am satisfied that the scheme would not be of detriment to residential amenity.

Highways and transportation issues

52. In relation to matters concerning the public highway, KCC Highways and Transportation have commented in relation to the adjacent reserved matters application. These matters have been resolved and found acceptable. In addition, the site subject to this report proposes an access onto the proposed avenue running central through this part of Finberry. I am satisfied that this access affords good visibility to within the rear parking court, and that the access would offer an appropriate level of visibility for traffic entering the

highway. In light of this, and given the small scale nature of likely traffic movements generated by dwellings using the parking court, I am satisfied that the scheme would not pose harm to highway safety.

53. Turning to the approach to parking, the scheme provides 32 spaces in total and there is a strong provision of parking within the wider reserved matters application site through the incorporation of parking within the avenue, side streets and lanes. I am therefore satisfied that the quantity of allocated car parking would be acceptable in a variety of types to suit the needs of future occupiers of the development.

54. The quantity and means of cycle parking provision would also be acceptable in accordance with adopted policy TRA6. Fine details of cycle parking for the houses would be secured by condition on any permission granted.

Ecology, sustainable drainage, archaeology and other matters

55. KCC Ecological Advice raise no objection and comment that ecological conditions should be attached to any permission granted mirroring those to be attached to the reserved matters application in light of the layout changes being of a minimal scale.

56. KCC Archaeological Unit comment that upon previous excavations of the site, no archaeology was found and there is no need for any further works. I am therefore satisfied that the scheme is acceptable in relation to archaeological matters.

57. Initial concerns were raised by ABC's Environmental Services team in relation to the pulling distances of bins for refuse operatives. The applicant has responded to these concerns by submitting amended plans which negate the matters raised. I am satisfied that the provision of the bin store and the proposed bin collection points would be acceptable.

58. In relation to drainage, the agent has provided a drainage strategy for the reserved matters site, a surface and foul water plan, and also details of the proposed locations of water butts serving the development. The applicant has confirmed that the approach to this small parcel would not harm the overall approach to drainage across the wider site. KCC Flooding and Water Management have requested that further details are submitted at the detailed design stage and these can be secured by planning condition.

Planning obligations

59. **Table 1**, below, sets out details of planning obligations required to mitigate the development's impact on existing local infrastructure.
60. Affordable housing would normally be required as an on-site provision. Adopted policy HOU1, relating to affordable housing, now requires new developments to provide 30 per cent of all dwellings as affordable housing within the location within which the development site falls ('Ashford hinterlands'), with 10 per cent for affordable or social rent and 20 per cent for affordable home ownership products (of which 10 per cent should be shared ownership).
61. With the above in mind, based on a scheme of 17 units, the affordable housing policy would require the provision of five affordable housing units in the small parcel constituting the red line application site. The agent has, however, requested that these five affordable units would be better provided within the wider reserved matters site as part of a logical grouping.
62. I consider that this proposition is acceptable in planning terms, given that the reserved matters application for the adjoining land is designed to integrate the homes subject of this stand-alone application. A mechanism will be used to ensure that this proposal is carried through into the s.106 agreement.
63. Further, in relation to the requests of ABC Cultural Services, I agree that contributions towards cemeteries, allotments and strategic parks would be necessary and directly related to the demands that would result from the proposed development. While requests for contributions towards play and informal outdoor space have also been received, I do not consider that the development would generate a requirement of additional play or open space at Finberry. The reserved matters application dealing with land around the application site proposes 0.74 ha of play space in addition to 1.47ha of landscaped parkland. I do not therefore consider that the addition of 17 dwellings would result in impacts that area already not satisfactorily provided and planned for. The Finberry development has play areas and open spaces that are equipped and managed privately with play provided in the local centre and to be provided on either side of Captain's Wood in open public space as well as a district equipped area of play to be created to the north of Captain's Wood in the area closest to a future bridge link to the proposed Waterbrook mixed-use development.
64. A request has also been made for a contribution towards outdoor sports pitches at the sports club in Mersham. Sports facilities at the proposed Finberry community sports hub, by virtue of its location, would be a closer and

more natural destination for outdoor sports pitches contributions. However, given that pooling restrictions for projects ('maximum 5') have not yet been lifted by central government and that development sites best placed to make contributions towards that on-site project I consider that the sports club in Mersham would be an appropriate recipient of outdoor sports pitches funding given the additional demand resulting from this application. Broadly speaking, the approach adopted by the Council is to develop/facilitate the development of a range of sports facilities in sensible locations enable differing sporting needs of residents to be met in a viable manner.

65. Turning to the request of KCC's non-highway developer contributions, I consider that all of the requested sums are necessary, directly related to the impacts arising, and are fairly and reasonably related in scale and kind to the proposed development. The applicant currently has an unresolved s.106A application to alter the profiling of certain education payments to KCC: this is being moved forward with County Council colleagues. My starting point is that the currently requested contributions should be pursued unless, as a result of resolution on the s.106A application, the County Council conclude otherwise that satisfactory mitigation will be secured to meet the needs generated by 17 additional homes. My Recommendation provides for modification / addition / deletion of the suggested Heads of Terms.

66. In light of the above, I consider that the development would generate demands on local services that requires mitigation through the agreement of appropriate financial and non-financial planning obligations.

Planning Obligations

67. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

68. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Table 1

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
1. Affordable housing Provide off-site affordable housing within the wider Finberry development as part of the reserved matters approval ref 16/00125/AS at land south of Captain's Wood to be equivalent to the 30% that would have been provided on the application site	<ul style="list-style-type: none"> • 2 x two bedroom flats • 2 x two bedroom houses • 1 x three bedroom house (2 x 2-bed houses to be made available as affordable rent; with 2 x 2-bed flats and 1 x 3-bed house being made available for affordable home ownership.)	TBC	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to policy SP1, HOU1 HOU12, HOU15, and HOU18 of the Ashford Local Plan 2030 , the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided</p>

		Plots 101, 102, 110, 111 & 113 of 16/00125/AS reserved matters approval.		
2.	Primary Schools Towards Finberry Primary School	£56,689 total (£4,535 per applicable house + £1,134 per applicable flat) NB: Applicable excludes 1 bed units of less than 56 sq. m GIA	TBC	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or</p>

				sheltered accommodation specifically for the elderly.
3.	<p>Secondary Schools</p> <p>Towards Norton Knatchbull expansion works (external hard play/social areas)</p>	<p>£51,439 total</p> <p>(£4,115 per applicable house + £1,029 per applicable flat)</p> <p>NB: Applicable excludes 1 bed units of less than 56 sq. m GIA</p>	TBC	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary</p>

				school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
4.	<p>Outdoor Sports Pitches</p> <p>Contribution towards the Mersham sports club for the sports pavilion project</p>	<p>£32,555.00 total</p> <p>(£27,013.00 capital value contribution with associated maintenance sum of £5,542.00)</p>	TBC	<p>Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and</p>

				maintained and the maintenance period is limited to 10 years.
5.	<p>Strategic Parks</p> <p>Contribution sought towards a picnic bench within the play area at Victoria Park, Ashford</p>	<p>£3,281.00 total</p> <p>(£2,482.00 capital value contribution with associated maintenance sum of £799.00)</p>	TBC	<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

6.	<p>Allotments</p> <p>Off-site contribution</p>	<p>£5,508.00 total</p> <p>(£4,386.00 capital value contribution with associated maintenance sum of £1,122.00)</p>	TBC	<p>Necessary as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>

7.	<p>Cemeteries</p> <p>Off-site contribution</p>	<p>£7,820.00 total</p> <p>(£4,828.00 capital value contribution with associated maintenance sum of £2,992.00)</p>	TBC	<p>Necessary as cemeteries are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM4, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use cemeteries and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be maintained and the maintenance period is limited to 10 years.</p>

8.	<p>Public Rights of Way</p> <p>Contribution to KCC towards improvement of accessibility of nearby PROW by seeking the replacement of stiles with gates and upgrading sleeper bridges</p>	<p>£2,000 total</p>	<p>TBC</p>	<p>Necessary as would provide improvements to the public right of way that runs adjacent to the site. The public right of way would be used by future occupiers of the site.</p> <p>Directly related as the public right of way runs adjacent to the site.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided</p>
9.	<p>Library book-stock</p> <p>Contribution towards additional book-stock for the mobile library attending Sevington</p>	<p>£816.27 total (£48.02 per dwelling)</p>	<p>TBC</p>	<p>Necessary as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

				<p>Directly related as occupiers will use library books and the books to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings.</p>
10	<p>Community Learning</p> <p>Contribution to KCC towards IT equipment for new learners at Ashford Gateway Centre</p>	<p>£585.68 total</p> <p>(£34.45 per dwelling)</p>	TBC	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p>

				<p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
11	<p>Youth Service</p> <p>Contribution to KCC towards additional equipment at Ashford North Youth Centre</p>	<p>£474.46 total</p> <p>(£27.91 per dwelling)</p>	TBC	<p>Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1, IMP1 and IMP2, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is</p>

				based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation specifically for the elderly.
12	<p>Social Care</p> <p>Towards Age UK at Farrow Court, Ashford</p>	<p>£958.97</p> <p>(£56.41 per dwelling)</p>	TBC	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the</p>

				estimated number of users and is based on the number of dwellings.
13	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£750 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

Human Rights Issues

69. 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

70. 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

71. The proposals present a proportionate and sustainable addition to the provision of houses at Cheeseman's Green in accordance with the NPPF and local policy HOU3a. I recommend that the scheme is granted planning permission, subject to the applicant first entering into a section 106 agreement in respect of planning obligations, for the following reasons:

- The application proposals would sit within a well-established master-planned area for housing.
- The development would provide an attractive addition to the recently approved reserved matters application 16/00125/AS and would provide development of high quality place-making in accordance with policy SP6.
- The development would provide sustainable windfall development of 17 houses.
- The development would not result in harm to visual or residential amenity to future occupiers of the development.
- The development would generate a provision of off-site affordable housing in accordance with HOU1.
- The development would be acceptable in relation to matters of drainage, highway safety, archaeology, ecology and environmental health.

Recommendation

(A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Planning and Development or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,

(B) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Balcony screening condition to protect the residential amenity of plot 17.
4. Ecology condition(s)
5. Drainage, foul and surface water condition(s)
6. Environmental health condition(s)
7. Hard and soft landscaping condition(s)
8. Request joinery details
10. Request external fine details
11. Vehicular/bicycle parking condition(s)
12. Electric vehicle charging condition
13. Ecological buffer strip condition
14. Request details of a resident's information pack in respect of landscaping maintenance
15. Level thresholds condition
16. Affordable Homes HOU14: provision of x 2 M4(2) standards home and x 1 M4(3b) standards home

Note to Applicant

1. S106
2. Working with the Applicant

Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant 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.

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 19/00052/AS)

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