

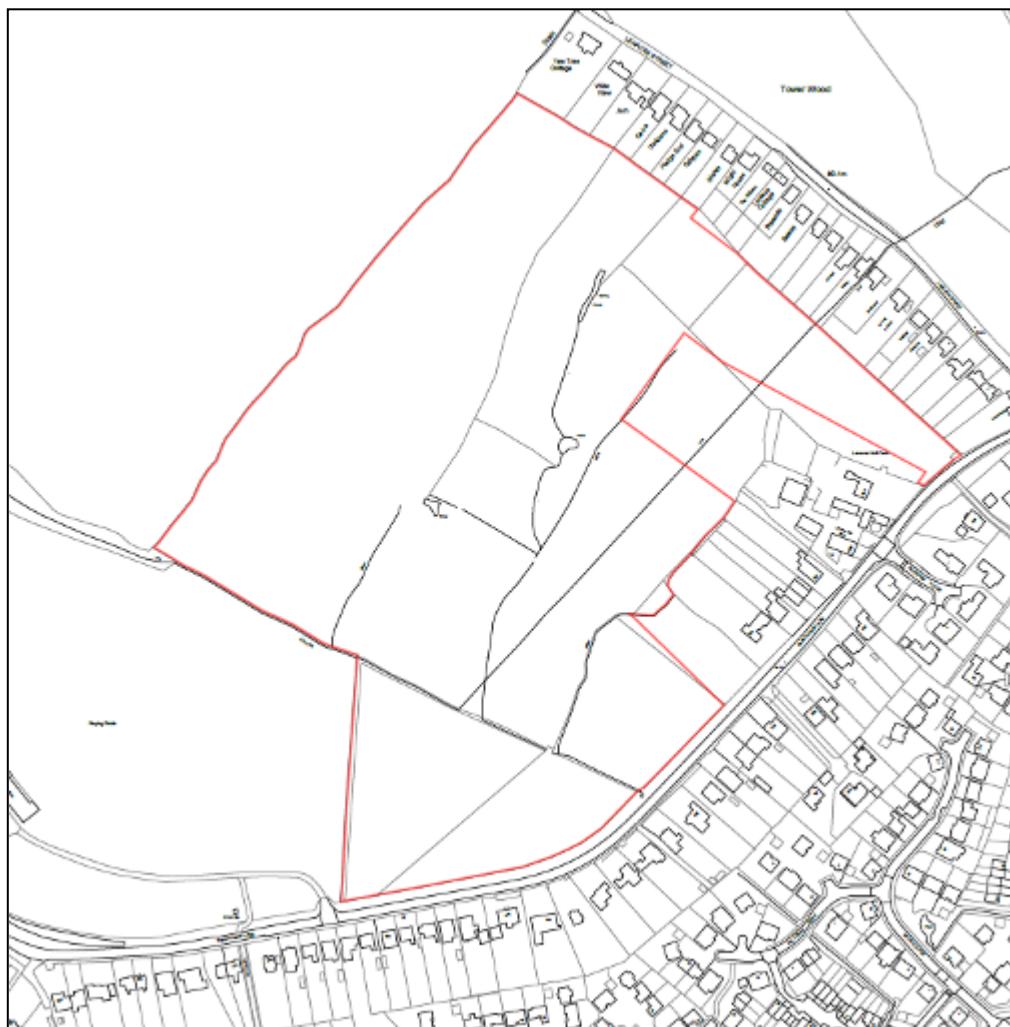
<b>Application Number</b>	17/01613/AS	
<b>Location</b>	Land at Lenacre Hall Farm, Sandyhurst Lane, Boughton Aluph, Kent	
<b>Grid Reference</b>	00953/ 45875	
<b>Parish Council</b>	Eastwell, Boughton Aluph	
<b>Ward</b>	Downs West	
<b>Application Description</b>	Hybrid application for up to 79 new residential dwellings consisting of a full planning application for the development of 21 new residential dwellings, access, drainage and landscaping to the south of the site and outline planning application with all matters reserved except for access for the development of up to 58 new dwellings with associated access, landscaping, open space and community orchard.	
<b>Applicant</b>	Millward Designer Homes Limited, c/o Agent	
<b>Agent</b>	ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing, BN12 4AP	
<b>Site Area</b>	11.25 hectares	
(a) 182/165R 1S	(b) R	(c) KHS – X, KCC SUDS – X, SW – X, ABC Drainage – X, EHM – X, KP – X, KF&R – X, EA – X, NE – X, KCC Ecology – X, KCC Prow – X, KWT – R, ABC OSSS – X, KCC Heritage – X, RAM – X, AONB Unit – X, KCC Developer contributions – X, SLRA – R

## Introduction

1. This application is reported to the Planning Committee as it is a major application under the Council's scheme of delegation.
2. The application was submitted in October 2017 and has been held in abeyance pending the outcome of a related appeal at the same site in respect of the detailed element of the proposal. The appeal has been determined and the applicant has subsequently confirmed that they wish for the application held in abeyance to now be determined.
3. This is a hybrid planning application i.e. part outline and part full application. It is a related submission in relation to this site alongside the full planning application ref 18/00413/AS which was refused planning permission by the Council on 21 July 2018. This decision was subsequently upheld at appeal with the appeal being dismissed on the 13 December 2019. The previously refused scheme was identical to the full application part of the hybrid application for the development of 21 dwellings at the southern portion of the site.

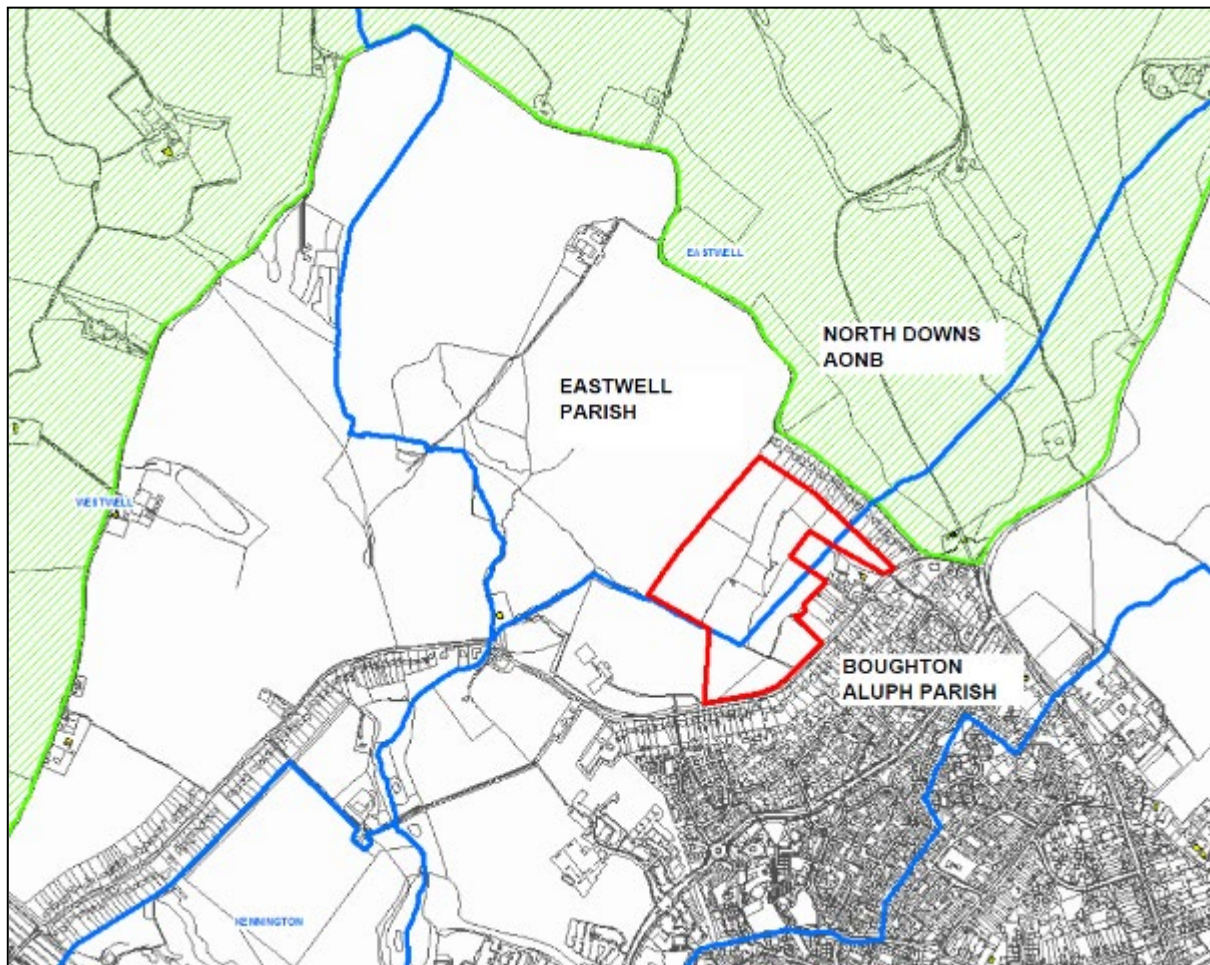
## Site and Surroundings

4. The site subject of this planning application comprises approximately 11.25 hectares of agricultural land consisting of irregularly shaped fields in use as grazing pasture and divided by boundary hedgerows. The site is located to the north of Ashford.
5. A site plan is shown as **Figure 1** below and as an annexe at the end of this report.



**Figure 1: Site location**

6. The site is located within both the parishes of Boughton Aluph and Eastwell with the parish boundary running through the site. The Kent Downs AONB boundary lies close to the site's northern boundary as shown in **Figure 2** below.



**Figure 2: Site location showing parish boundaries and relationship to North Downs AONB**

7. The site is located at the edge of the built up area of Ashford, with residential development located to its south along Sandyhurst Lane. Recreational space and sports pitches associated with the Sandyacres Sports and Social Club are located to the west of the site.
8. Public footpath (AE207) enters the site from its northern-most point off Lenacre Street and runs adjacent to the site's north western boundary. The footpath exits the site where it enters the Recreation Ground and follows the

outside of the site's southern boundary as far as the Recreation Ground vehicular access off Sandyhurst Lane.

9. To the north, the site is bordered by the rear gardens and boundary structures of existing properties in Lenacre Street. To the west, a mature hedgerow separates the site from adjoining, largely open farmland. To the south west, a relatively loosely structured hedgerow and tree belt separate the site from the Recreation Ground. The south eastern boundary follows Sandyhurst Lane northwards, separated from it by a banked verge, loose tree belt and understorey and sections of post and wire fencing. The boundary continues northwards past Lenacre Hall Farm Wood before turning westwards from Sandyhurst Lane through Lenacre Hall Farm Wood. The boundary then turns north east to the rear of existing properties lining the northern side of Sandyhurst Lane and skirts the grounds of Lenacre Hall Farm before rejoining Sandyhurst Lane close to the rear of properties at the eastern end of Lenacre Street.
10. Residential properties on Sandyhurst Lane are mostly single storey, or single storey with rooms within the roofs (chalet bungalows). Lenacre Street comprises a mixture of dwelling types including bungalows and chalet bungalows together with some two storey properties. These properties are all largely set back from the road, with individual driveways and low walls/fences or hedges. Given its open and undeveloped nature, the site relates more closely with the undeveloped land to the northern side of Sandyhurst Lane.
11. The site is located within the Hothfield Heathy Farmlands (HFF2 Sandyhurst Farm) and the Stour Gap (SG6 Eastwell Farmlands) Landscape Character Areas, defined within the 2005 Landscape Character Study by Studio Engleback. Policy recommendations are to '**create**' (priority to plant native species) and to '**conserve and create**' (plant more woodlands and reinstate hedges).
12. Lenacre Hall Farm Wood, located in the southern part of the site, comprises Ancient and Semi - Natural Woodland. A further area of Ancient Woodland (Tile Lodge Wood) lies approximately 100m west of the site's south western boundary as can be seen in **Figure 3** below.



**Figure 3: Aerial view on site (Google Maps)**

13. Lenacre Farm Hall, a Grade II listed building, is located off Sandyhurst Lane close to the site boundary. Two further Grade II listed buildings associated with Eastwell Park are located a few metres east of the junction of Sandyhurst Lane and Lenacre Street. Sandpit Cottages (Grade II listed) are located approximately 300m to the west of the site.
14. The site is located within Flood Zone 1 – with a low probability of flooding – a less than 1 in 1,000 probability of fluvial flooding.
15. The application site is located within the Stodmarsh catchment area.

## **Proposal**

16. The application comprises of the following:

a) Outline application (matters of appearance, landscaping, layout and scale reserved for future consideration with access detail for approval at this stage) for:

- (i) the erection of up to 58 residential dwellings (of which 40% would be affordable), access, open space, drainage, community orchard and ecological buffers/landscaping.

b) Full planning application for:

- (ii) the erection of 21 residential dwellings (of which 40% would be affordable), access, drainage and landscaping to the south of the site.

17. The outline part of the application relates to the northern part of the site while the full application part relates to the southern portion of the site.



Figure 4: Proposed site layout

### Outline Application

18. Amended plans have been received during the course of this application, namely a reduction in the proposed number of dwellings from 'up to' 68 to 'up to' 58 dwellings.
19. In respect of the outline element, apart from access details all other matters are reserved at this stage. The applicant has provided an indicative masterplan and other indicative plans of the proposed residential developable area to show how the development proposed could be accommodated on the site. The masterplan and associated documents suggests an indicative breakdown of accommodation as follows:
  - 1 bedroom apartments
  - 2 bedroom apartments
  - 2 bedroom houses
  - 3 bedroom houses
  - 3 bedroom bungalows
  - 4 bedroom houses
  - 5 bedroom houses
20. The outline proposal includes 40% affordable housing.
21. A vehicular access point is proposed from Sandyhurst Lane and the two parts of the site are proposed to be linked via a pedestrian and cycle access to the west of the ancient woodland. A pedestrian access point linking the site with the local pedestrian infrastructure is proposed at the vehicular access point. Pedestrian access to Lenacre Street is proposed via the public right of way to the north of the site. Cycle routes are proposed throughout the site.
22. Drainage ponds are proposed across the site at the southern and eastern sides of this phase and are proposed to provide for a drainage solution to the site in addition to providing for an amenity and ecological resource for future residents.
23. The masterplan, which is simply illustrative at this stage showing one solution for developing this site, shows a series of smaller irregular clusters of dwellings that are generally outward facing with road frontages. The clusters are mainly cul-de-sacs but are all linked to a main access road. Located in between the clusters are a series of landscaped and sustainable urban drainage (SUDs) areas.
24. The submitted design and access statement does not set out an indicative scale of the development of the northern portion of the site, the document instead states that the proposed scale of the development would be



compatible and complimentary to the varied scale of development within the immediate area.

25. Architecturally it is proposed that the development would take the form of a modern interpretation of the local vernacular, with traditional details and high quality detailing.
26. **Figure 5** below shows illustrative elevations detailing how the site could be developed.



**Figure 5: Illustrative street scene - northern parcel**

### **Full application**

27. The proposal includes 40% affordable housing consisting of:

Affordable Housing	
2 bedroom	5
3 bedroom	3
total	8

28. The remainder of the dwellings would comprise general market housing, specifically:

Market Housing	
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3 bedroom	5
4 bedroom	6
5 bedroom	2
total	13

29. The vehicular access to the development is proposed from Sandyhurst Lane at the southwest corner of the site via a new priority junction which would also include pedestrian access. This access would be located approximately 45 metres east of the Sandyacres Sports and Social club vehicular entrance. A further pedestrian only access onto Sandyhurst Lane was initially proposed but subsequently deleted from the proposals. The access can be seen in **Figure 6** below.



**Figure 6: Detailed layout of the full application**

30. A drainage pond would be located at the eastern edge of the site, intended to function as both a SuDS feature and provide ecological enhancements and visual benefits.

31. A landscaping scheme is also submitted detailing boundary treatments consisting of both new planting and retaining existing features.
32. The layout also proposes a 15 metre buffer intended to reduce any impact on the adjacent woodland.
33. 58 car parking spaces are proposed comprising of:
  - 32 open allocated spaces
  - 10 allocated spaces under carports / car barns.
  - 16 visitor parking spaces in the form of lay-bys.

An additional resource of 16 parking spaces (not counted towards parking provision in the Council's Parking SPD) are provided within double garages adjacent to their respective plots.

34. The applicant proposes to replicate the Kentish vernacular in terms of the traditional design and materials of the dwelling. There would be a mixture of terraced properties (plots 1-6 & plots 11-13), semi-detached dwellings (plots 7-10) with the remainder being proposed as detached properties. Materials are proposed to include new and reclaimed stock brickwork, plain clay tiles and oak and timber boarding.
35. The proposal seeks to apply the following design principles:
  - A design in keeping with the scale and development of the immediate area.
  - The creation of access to Sandyhurst Lane.
  - Creation of a new pond for the benefit of new residents but also with some benefits to existing residents.
  - An outward looking design maximising the setting of the site and taking advantage of existing and newly created viewpoints.
  - Spacious gardens providing large amounts of private amenity space for the new residents.
  - The retention and enhancement of existing hedgerows where possible.

- No development being proposed within the buffer to the existing ancient woodland.
- The minimisation or elimination of adverse impacts of lighting and light spillage from the proposed development.



Figure 7: Proposed street scenes

29. The following supporting documents have been provided to accompany the application and are summarised below:

### Planning Statement

**(SD&DM comment:** Information relating to the Ashford Local Plan 2000, the Core Strategy and the Tenterden and Rural Sites DPD is now out of date and has not been summarised).

PS1. An EIA screening opinion was requested as part of this planning application. The Council's EIA Screening Response dated 27th July 2017 noted that the proposed development (for up to 99 new dwellings) would not have any significant effects on the environment by virtue of its size, location and nature of development.

PS2. Ashford Borough Council has assessed the site at Lenacre Hall Farm within the Ashford SHLAA 2017 study. There appears to be no identified issues with the site having been identified as both available and suitable for development in a location with good access to services. The site has been left for the Neighbourhood Plan process to determine whether it should be allocated within the Boughton Aluph,

Eastwell and Goat Lees Neighbourhood Plan rather than allocation within the Ashford Borough Plan.

PS3. The applicants made representations to the Council (August 2017) strongly advocating allocation within the emerging Ashford Local Plan. The site would meet all of the tests required of the SHLAA (deliverable, developable, suitable and achievable) and further would be more suitable than other sites proposed in the Plan.

PS4. The criteria for site assessment created by the Neighbourhood Plan group has been utilised to score the proposed development. The Neighbourhood Plan group scored the site negatively (-14). Using the same criteria the applicant has scored the site positively (+12). The Neighbourhood Plan is at an early stage and no weight can be attributed to any outputs from the group.

**(SD&DM comment:** The Boughton Aluph and Eastwell Parishes Neighbourhood Plan has very recently been adopted and so now forms part of the Development Plan. As such, it can be afforded full weight)

PS5. Ashford Borough Council cannot demonstrate a valid five year housing land supply. Great weight must be afforded to this lack of a five year housing land supply and significant housing shortfall in any planning decision. The tilted balance is engaged.

PS6. Ashford is included as one of the settlements listed within the policy HOU3a. The site is located adjacent to the existing built up confines of Ashford. The scale of development is considered appropriate and proportionate with service provision in the local area. The site is within close proximity to Ashford town centre offering shops, services and facilities. The town centre is accessible via cycle and pedestrian routes and there is a frequent bus service.

PS7. The site is within close proximity of existing and future shops and services at Eureka Park. A Primary and Secondary School are also located within a close proximity of the site.

PS8. New open space and play areas are included within the proposal.

PS9. The Transport Statement shows that 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. A full assessment of site accessibility can also be found within the Transport Statement.

PS10. The proposals seek to enhance existing habitats, protect sensitive habitats and enhance / provide new habitat. The proposals will cause no physical impact to heritage assets and will impact on the setting of the listed Lenacre Hall asset to a

negligible degree (or considerably less than substantial as set out within the Heritage Statement.

PS11. The proposal has been designed to ensure that it is sensitive to the wider landscape setting. The proposal has been designed to be low density reflecting the character of the surrounding area and has been focussed in those areas where there would be a lesser impact on the wider landscape. The proposed development would represent an infill of development in the gap between development at the eastern end of Lenacre Street and Sandyhurst Lane, but it has been intentionally designed to keep development as far as possible to the east, so that it is close the existing settlement envelope on this side of Ashford. It also allows for a large area of new open space to the west, responding to the countryside beyond.

PS12. The proposal has been designed taking into account the character of the surrounding area and enhances the setting of the nearest settlements by virtue of providing a well landscaped and attractively designed proposal. In terms of scale, mass, built form and materials proposed, the scheme would be very much in keeping with the surrounding area.

PS13. There would be no negative impact with regards to neighbouring residential amenity.

PS14. The proposal would not impact upon any international or national protected sites and the development would enhance biodiversity interests on the site and adjoining area through provision of green links, boundary planting, landscape planting and drainage ponds.

PS15. The development is acceptable in principle.

PS16. Only the detailed designs have been provided for the first phase of development to the south. The second phase of development will be designed to ensure consistency and to ensure both phases complement each other in design terms.

PS17. The proposed development would be traditional in appearance making use of traditional design and materials that are common throughout the neighbouring area. The use of gables, hipped roof forms, chimneys and porches all respond to the local vernacular and are considered to be suitable within the site context.

PS18. The form of the dwellings are considered to replicate the surrounding development being no more than two storey in height and predominantly detached and semi-detached properties in generous plots. The low density of the scheme is considered to reflect the surrounding development.

PS19. Landscape planting is proposed throughout to ensure the scheme provides for an attractive environment for future occupiers and nearby residents.

PS20. In terms of the layout of the entire site, an important consideration has been wider landscape setting and visual impacts. The large area of open space proposed on the western side of the site has been positioned as a buffer to the countryside beyond. Subsequently, the areas proposed for development is confined to the eastern, northern and southern sections of the site.

PS21. Pedestrian and cycle access is proposed through the site linking Sandyhurst Lane to the public footpath which runs to the north and west providing for greater connectivity through the site.

PS22. A new pond is proposed on the east of the site providing a focal point for new residents.

PS23. The proposal has been designed considering fully the amenity of the neighbouring residential properties. The second phase of development is outline only however the masterplan shows an acceptable layout in residential amenity terms.

PS24. The proposal seeks to deliver 40% onsite affordable housing provision across both phases of development. The first phase of development seeks to deliver six new affordable dwellings. A further 30 affordable dwellings are proposed for the second phase of the development on the site to the north.

PS25. There is the potential for development to impact on cultural heritage assets of archaeological interest. This could be dealt with by an appropriately worded condition.

PS26. The application makes provision for a policy compliant level of car parking.

PS27. In terms of safety, the Transport Statement demonstrates that proposed site access visibility is acceptable given average traffic speeds.

PS28. The proposal would avoid harm to biodiversity and protects, enhances and expands biodiversity by enhancing and creating suitable semi-natural habitats and ecological networks to sustain wildlife.

PS29. 7 individual trees, 2 groups, 1 hedge and 1 area of scrub will require removal and a further 8 groups, 1 hedge, and 1 scrub area will require partial removal in order to facilitate development. In addition to this, the development will incur into the RPA of 5 individual trees, 5 groups and 1 hedge. The trees proposed for removal are predominantly C and U category with a small number of B category trees. Compensatory planting is proposed throughout. The proposals for provision of new boundary and buffer planting in addition to the proposed Community Orchard would provide for an overall enhancement in tree provision

PS30. For a development of this size, there would be no need for the provision of on-site outdoor sports space, children and young people's play space or allotments. The site would, however, need to provide informal / natural green space on site. The

scheme will provide open space consisting of a large area of useable open space to the western boundary, areas of natural and semi natural amenity space, a children's play space and a Community Orchard. This far exceeds the minimum open space requirements and is considered to be a significant and positive benefit of the scheme and was positively received as such through the public consultation event.

PS31. The proposal has been designed in a way which protects and enhances the landscape character of the area and in this respect the proposal is compliant with planning policy.

PS32. In relation to flood risk, the proposal is located within Flood Zone 1 – Low Probability of fluvial flooding and is not at risk of flooding from other sources. Furthermore, the development would not increase the risk of flooding elsewhere and is therefore considered acceptable. With regards to surface water drainage, the proposed development will be managed utilising SuDS no infiltration techniques to reduce runoff rates. Foul water would connect via gravity to an on-site pumping station, where flows will be pumped to the existing public foul sewer running along the northern boundary of the site.

PS33. It is considered therefore that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh said benefits.

### **Design and Access Statement**

DA1. Pre application consultation - An Environmental Impact Assessment (EIA) screening opinion was requested as part of this planning application. The Council's EIA Screening Response dated 27th July noted that the proposed development (for up to 99 new units) would not have any significant effects on the environment by virtue of its size, location and nature of development. The SCI details the pre-application and public consultation undertaken by Millwood Designer Homes, ECE Planning, and BDB Design LLP, and should be read in conjunction with the other accompanying documents submitted with the planning application.

DA2. Award winning house builder Millwood Designer Homes has an established reputation throughout the South-East for its renowned interpretation of local vernacular architecture, creating individually designed homes, which complement and enhance the surrounding environment.

DA3. Planning Policy – This is set out within the Planning Statement submitted.

DA4. The proposed development has been sensitively and carefully conceived, having regard to the opportunities and constraints of the site.

DA5. The site offers the following opportunities:



- The site provides an opportunity to bring forward a sizeable amount of new housing at a sustainable location adjoining the urban edge.
- A mature landscape framework around the site and within the field parcels.
- Well contained site both visually and physically.
- Gently sloping topography.
- Adjoining existing housing of mixed architectural style and density.
- Mixed pattern of development fronting the main roads and more intimate cul de sac of higher density housing area opposite the site.
- Existing vehicular and pedestrian access serving the site, which it is possible to relocate to meet current standards.
- Excellent links to the urban area and its plethora of local services and facilities and transport connections.
- Improvements to existing local drainage infrastructure.
- Traffic calming to Sandyhurst Lane, subject to KCC Highway approval.
- Broadband network improvements.
- New village pond.
- Accessible open space with links to network of public footpaths.
- Community orchard.

DA6. There are very few physical constraints but consideration has been given to the following issues:

Setting with a Landscape Character Area & need to protect the existing landscape framework, whilst aiming to enhance landscape character of the site with new planting.

- Need to preserve and protect the ancient woodland.
- Creating a landscaped transition between the site and countryside beyond.
- Flooding and drainage issues.
- Need to protect residential amenity of adjoining properties, as well as creating a good standard of amenity for future residents.
- Increase connections to public footpaths and adjoining road network.
- Preserve and improve the biodiversity value of the site.
- Create filtered views within the development through to the adjoining countryside.
- Ecological constraints.

DA7. Ecology – Refer to Ecological Assessment and surveys. In summary the proposal has implemented the suggested mitigation measures proposed within the Preliminary Ecological Assessment and provides for significant enhancement by virtue of these measures and particularly the proposed ecological buffer. The proposal can therefore clearly demonstrate that the scheme would enhance the biodiversity of the site.

DA8. Flood Risk and Drainage – Refer to the submitted Flood Risk Assessment and Drainage Strategy. With regards to surface water drainage, the proposed development will be managed utilising SuDS no infiltration techniques to reduce runoff rates. Foul water will connect via gravity to an on-site pumping station, where flows will be pumped to the existing public foul sewer running along the northern boundary of the site. In summary the proposed development is located within an area of low probability from flooding, would not increase the risk of flooding elsewhere as a result of development, and is considered acceptable from a drainage and foul water sewerage perspective and is therefore consistent with the requirements of the Framework.

DA9. Heritage – Refer to Heritage Statement. A Desk-Based Assessment has been prepared. A summary of this report is as follows;

The site lies in relatively close proximity to a Grade II listed building, Lenacre Hall Farmhouse. As such this assessment was undertaken to consider the historic environment of the site, including the archaeological potential of the site and the possible impacts on heritage assets arising from development.

The assessment concludes:

- There are no designated heritage assets within the site;
- There are designated heritage assets within the study area;
- The proposals are considered to have a negligible effect on the setting of these assets;
- There are no known non-designated heritage assets within the development site;
- Mapped historic field boundaries, of local significance, may survive and below ground remains;
- The site has the potential for, as yet unknown, heritage assets (archaeological remains) to be present;
- Previous disturbance is limited in scale;
- Should any archaeological remains be present they may be impacted by the proposed development if works are undertaken in these areas.

DA10. Arboricultural Report – Refer to Arboricultural Assessment. The proposal has been designed to ensure a minimal loss of tree removal respecting the natural environment and landscape features. Furthermore, the proposals for provision of new boundary and buffer planting in addition to the proposed Community Orchard would provide for an overall enhancement in tree provision.

DA11. Landscape Assessment - A detailed Landscape & Visual Assessment has been carried out which has resulted in the submitted landscaping proposals. The

characteristics of the site and surrounding landscape have a good ability to accommodate development without significant adverse landscape and visual effects. The site has a small and contained visual envelope and the proposal has been carefully design to incorporate a number of mitigation measures in order to minimise the identified adverse effects. The proposal provides a significant area of open space to the west and a series of interconnected open spaces, green routes and waterways which would provide an attractive landscape setting, sympathetic to its surroundings. The receiving landscape is sensitive, but important designations such as the Kent Downs AONB would not be significantly harmed in the event that planning permission is granted.

DA12. Design Evolution. As part of the design process, a number of different layout options were considered. Most of the development options explored different scenarios for possible development sited in the western field, the effect this may have on visual impact from the south-west and the corresponding effect on densities and layout options within the remainder of the site. The evolution of the scheme has resulted in the submission of a sensitively designed, landscape led high quality development.

DA13. Masterplan - The site wide masterplan has been informed by a detailed analysis of the site characteristics and existing landscape structure with the aim being to create a new integrated housing development of mixed density which respects the sensitive edge of urban area location and integrates within the landscape setting of the site. The masterplan for the outline scheme is submitted for illustrative purposes only, with all matters apart from access reserved at this stage. The aim of the masterplan is to create an attractive landscape led development and living environment, which has its own architectural character and identity. The proposals are sensitively set within an already established landscaped setting which respects the transition between the settlement and open countryside beyond. The layout takes a sensitive approach to the existing site constraints whilst making the most efficient use of the available and developable land, consistent with the aims of the NPPF. It is proposed that the development will take the form of a modern interpretation of the local vernacular, with traditional materials and high quality detailing.

DA14. The masterplan identifies the following key concepts;

DA15. Relocated vehicular/pedestrian access onto Sandyhurst Lane, leading to a interesting internal network of roads and private drives creating variety and interest in the public domain.

- Hierarchy of movement routes through the development.
- Strong street frontage development.
- Staggered building line to create visual interest.

- Retention of ancient woodland and existing landscape framework of hedgerows.
- Irregular pattern of development to reinforce and reflect local distinctiveness.
- A wide range of house sizes.
- Mix of terraced, semi-detached, chalet bungalow and detached houses.
- Large public open space and children's play area.
- Permeability development with pedestrian and cycle links; reinforcing links to existing footpaths and local community and recreations facilities
- Creation of new ponds and ecological enhancement
- Natural surveillance of the public realm, with enclosed private rear gardens and open amenity spaces.

DA16. Landscape Masterplan - Key principles incorporated within the masterplan are as follows;

The site layout observes the required minimum 15m buffer to the Ancient Woodland in the eastern part of the site and this is incorporated within a new community orchard.

- A 15m wide Conservation Strip / Wildlife Corridor is proposed to link the area of ancient woodland with Tile Lodge Wood, located to the west of the site.
- Pedestrian and cycle access to and from Lenacre Street via existing Public Footpath.
- Ecological Enhancement: Ground level vegetation at the site margins is to be enhanced where possible to encourage species diversity and habitat for reptiles and birds. A suitable list of species is included within the ecologist's report.
- The majority of trees within the central part of the site, those within the site boundaries and those which create field boundaries within the site are to be retained where possible. Replacement and / or reinforcement planting with appropriate native species would be provided.
- Ecological Enhancement: Suitable areas to be sown with native wildflower seed mixtures to enhance species diversity within the site and create attractive informal landscape edges within the site.
- Four new areas of green space would be made accessible including; proposed area of open space in western field, mitigating views from the Recreation Ground to the south-west. New shared pedestrian / cycle route through attractively landscaped entrance area. A large area of informal natural green space located on the existing pasture to the west of the site.
- A new community orchard and informal natural green space immediately adjacent to the west of the existing ancient woodland.
- An area of informal natural green space located on existing pasture in the centre of the site.

- An area of informal natural green space including a natural play area for children located at the northern end of the site, along with a natural play area for children.
- Low density housing layout, responding to surrounding grain of development locally.
- Area of Ancient Woodland (Lenacre Hall Farm Wood) to be retained and protected with a min. 15m wide buffer zone.
- Proposed hedgerows.
- Three new attenuation ponds are proposed across the site as part of Sustainable Urban Drainage System (SUDs) for the site.
- Creation of new Village pond.

DA17. Detailed application proposals - As part of the hybrid application detailed proposals are submitted for the southern part of the site for twenty one houses. The design, amount and layout of the proposed development is underpinned by the detailed assessment of the site context, opportunities and constraints, supporting independent surveys. These proposals build on the framework of the masterplan and would be served from a new access point to Sandyhurst Lane. This development would provide a mix of terraced, semi-detached and detached houses. Key design principles incorporated within the detailed application are as follows;

- Sensitively designed scheme in keeping with the scale and development within the immediate area.
- Creation of new pedestrian connection to Sandyhurst Lane to allow access.
- Creation of a new 'Village' pond for the benefit of new and existing residents within the area.
- An outward looking design maximising the setting of the site and taking advantage of existing and newly created viewpoints.
- Spacious gardens to the private units providing large amounts of private amenity space for the new residents.
- The retention of existing hedgerows where possible and enhancement of these.
- No development proposed within the buffer to the existing ancient woodland
- Best practice principles will be adopted in relation to minimising or eliminating adverse impacts of lighting and light spillage from the proposed residential development.

DA18. The scale of the proposed houses is illustrated on the submitted detailed house type drawings. The aim is that the scale will be compatible and complementary to the varied scale of existing development in the immediate area. The proposals for the detailed application are all two storey in height.

DA19. Housing mix - Within the first phase of the development it is proposed to provide a wide mix of houses sizes ranging from two bedroom to five bedroom.

DA19. Affordable Housing - Across the entire site the affordable housing will be provided at 40% of the total development.

DA20. Appearance - The design would be traditional, incorporating design detailing commonly found in the area, including:

- Traditional pitched roofs (hipped, gabled and cat-slide forms).
- Punctuated rooflines to create a varied and interesting townscape.
- Traditional forms and shapes.
- Design articulation in the form of chimney stacks, entrance door canopies.
- A variety of individual house designs contributing to a high quality, attractive residential environment.
- High quality palette of materials including reclaimed stock brickwork, plain clay tiles, oak, timber boarding.

DA21. Materials - A palette of traditional materials is proposed:

- Brick
- Clay roof tiles
- Natural slate
- Tile hanging
- Weatherboarding
- Traditional style windows and doors

The proposed street materials have been chosen to reflect the road hierarchy layout and would include:

- Tegular block paving
- Tarmac
- Tar and chip to the private drives

DA22. Sustainability – Sustainable development is a golden thread running through the NPPF. The Planning Statement sets out how the proposed development meets the three dimensions to Sustainable Development; economic, social and environmental. The site is sustainably located. The need to provide a high degree of sustainable construction and energy conservation has influenced the final form of the proposed dwellings. The houses would be energy efficient and would be designed to meet the current Building Regulations. The dwellings would be constructed from timber frame sourced from managed forests which provide highly insulated dwellings. Provision would be made within individual residential curtilages for adequate general and recyclable waste storage facilities, cycle storage and water butts for rainwater recycling. Millwood Designer Homes also use a fair proportion of reclaimed stock

bricks that not only significantly reduce the CO2 emissions from manufacture but also provide an instantly aged appearance to the new development.

DA23. Transport – Reference is made to the submitted transport assessment.

DA24. Parking - Parking provision is in accordance with the Council's Residential Parking and Design Guidance SPD. Based on the 21 dwellings proposed (southern portion of the site), 47 spaces are required including 5 unallocated visitor spaces. An overprovision of parking is to be provided within the development. In addition to this there are eight double garages provided to the larger four and five bedroom dwellings. Parking spaces are provided in front of double garages for the larger dwellings. For the smaller dwellings car barns are provided with a tandem space in front. As tandem spaces are provided, an extra provision of 0.5 visitor spaces per dwelling is also provided. Visitor parking is provided at the rate of 0.2 space per unit. These spaces will be provided in layby form around the development.

DA25. Refuse - The detailed layout has been tracked to ensure that refuse collection is sensible and within the suggested parameters. Refuse storage areas would be located within the rear gardens to the properties with collection taking place on street to the front.

DA26. The Design and Access Statement concludes that the proposals are fully acceptable in design and access terms.

### **Addendum to Design and Access Statement (Dec 2018)**

ADA1. The detailed element remains unchanged from that refused by the Council in July 2018, although the applicants have sought to address concerns raised previously relating predominantly to landscape impact through the further reduction in housing numbers within the Outline element of the scheme. This has resulted in a revised layout and an increase in public open space provision.

ADA2. The revised scheme now seeks to deliver 79 new residential dwellings (of which 40% will be affordable), alongside associated access, open space, drainage, community orchard and ecological buffers / landscaping.

ADA3. The revisions to the proposals are considered to be beneficial in all respects with the exception of the minor loss of the provision of five new dwellings onsite.

ADA4. The area facing the most change is the area to the west of the Ancient Woodland. The Illustrative Masterplan now shows seven dwellings immediately to the west of the ancient woodland instead of the five shown previously (and the relocation of the community orchard and attenuation pond previously located here).

ADA5. Moving further to the west, a new parcel of open space is proposed to the south of plot 77, highlighted in green. This replaces a block of predominantly detached residential development (seven dwellings in total previously plots 78 – 84). The attenuation pond and community orchard are proposed to be relocated within this new area of open space. A new access route to the reconfigured dwellings is also proposed alongside suitable buffer planting to the Ancient Woodland.

ADA6. Plots 1 – 69 and plots 77 – 79 remain as previously submitted. There are no other proposed amendments to the layout.

ADA7. There is minor amendment to the southern parcel to remove the footpath connection by the pond, along with the introduction of a native hedge to the western boundary adjacent to the sports field.

ADA8. The proposal will deliver a broad mix of house size and types and will include a provision of 40% affordable housing.

ADA9. In terms of other amendments, the proposal now includes an increased level of open space which is a clear and tangible benefit of the proposal for two reasons. Firstly, the amendments increase the already significant open space provision for existing / future residents. Secondly and more importantly, they significantly reduce the landscape impact of new development relating to views from the public footpath at the west of the site by removing development from the more visible parts of the site. By virtue of the proposed amendments and the already substantial screening running through the site, the Outline element of the scheme should be largely imperceptible from the public footpath.

ADA10. Improvements to the layout will furthermore retain all important trees and vegetation on site, retaining the ecological benefit of the existing provision and providing for a north – south green link through the site.

ADA11. The Ecological Addendum Letter submitted in support of the amendments to the scheme notes in summary, that:

*“...the amendments to the layout are not considered to result in any significant negative changes to the site in ecological terms beyond those already indicated within the previous reports submitted for the site. Indeed, there is potential for minor benefits through the reduction in development footprint, number of dwellings and retention of more boundary features.”*

ADA12. In terms of Transport impact, the accompanying Transport Addendum confirms that a reduction in the number of residential units within the Outline phase will only lessen transport impact. In this regard, the findings of previously submitted Transport Statements remains valid and;

*“...whilst the proposed development will have some impact on the wider road network; with the agreed mitigation measures in place, any development impact on the wider highway network will be successfully mitigated”*  
(Transport Addendum November 2018).



## **Landscape and Visual Appraisal**

LVA1. The characteristics of the site and surrounding landscape have a good ability to accommodate development without significant adverse landscape and visual effects.

LVA2. The site has a small and contained visual envelope and the proposal has been carefully designed to incorporate a number of mitigation measures in order to minimise the identified adverse effects.

LVA3. The proposal provides a significant area of open space to the west and a series of interconnected open spaces, green routes and waterways which would provide an attractive landscape setting, sympathetic to its surroundings.

LVA4. The receiving landscape is sensitive, but important designations such as the Kent Downs AONB would not be significantly harmed in the event that the scheme be granted planning permission.

## **Flood Risk Assessment & Drainage Strategy**

FRA1. The site lies within Flood Zone 1 – Low Probability of fluvial flooding.

FRA2. The site is not at risk of flooding from other sources.

FRA3. Surface water runoff from the proposed development will be managed utilising a variety of SuDS infiltration and attenuation techniques to manage runoff rates.

FRA4. Foul water will connect via gravity to on-site pumping stations, where flows will be pumped to the existing public foul sewers.

FRA5. The development does not increase flood risk on site or elsewhere.

FRA6. The drainage strategy meets with the Government, County Council and Borough Council's policy objectives concerning development and flood risk.

FRA7. The flood risk assessment and drainage strategy has established that appropriate surface water management arrangements can be incorporated within the proposed development such that there will be no increase in flood risk either on or off site for a range of storm events up to the 1 in 100 year event (1% annual probability) including an allowance of 40% for climate change. The proposals are consistent with the Government's National Planning Policy Framework and it has

been demonstrated that the occupants and buildings will remain safe for the lifetime of the development.

### **Transport Statement**

TS1. Each phase will have their own access point in the form of a priority junction onto Sandyhurst Lane. There will be no public vehicular access between the two phases, however a 3m wide footway/cycleway will provide access for emergency vehicles, pedestrians, and cyclists. The Transport Statement is based on a residential development of up to 89 units.

TS2. The proposed development site is located within walking distance of a number of local facilities. Larger retail facilities and services can be accessed by cycling or public transport. The local public transport network is easily accessible from the site, with bus stops located within 300m and 600m of the proposed northern and southern entrances respectively. Bus services from these stops provide access to Ashford Town Centre, local schools, and the local rail stations. The development is therefore considered to be well served by local facilities.

TS3. Both access junctions have been assessed using PICADY 5 and will operate at a fraction of their capacities during the AM and PM peak hours. During the busiest time segments, the northern and southern access junctions will operate at a predicted maximum level of 8.7% and 3.3% of their capacities, respectively. The junctions will therefore have minimal impact on the capacity of Sandyhurst Lane.

TS3. As agreed with Kent County Council at the pre-application meeting on the 6th September 2017, the available visibility splays at the access junctions meet the minimum requirements as set out in Manual for Streets 2 and TD9/93 Highway Link Design. The access roads within the development have been designed to accommodate the standard Kent County Council refuse freighter.

TS4. To assess the potential impact of development traffic on the local highway network, ATC surveys have been carried out at two points (to best mirror the proposed site entrances) on Sandyhurst Lane. TRICS analysis has been undertaken to predict the likely number of trips produced by the development from each entrance.

TS5. Based on TRICS trip generation data, the development is predicted to generate approximately 7.2% of the predicted 2022 traffic flows (5-day average) on Sandyhurst Lane. The development will therefore have minimal impact on the local highway network.

### **Preliminary Ecological Appraisal**

EA1. The site does not lie within or adjacent to any statutory or non-statutory designated sites. The proposals for the site are not considered to impact upon any designated sites within the wider landscape.

EA2. Pile Lodge Wood, a non-statutory site, is situated adjacent to the western site boundary. At this distance, the proposals have the potential to cause a loss of connectivity to this site. It is recommended on-site habitat features connecting to this site are retained.

EA3. The majority of the habitats on site are common and widespread throughout the local area and the UK as a whole. The site is dominated by semi-improved grassland, with tree lines, hedgerows, ditches and a compartment of broadleaved woodland. None of the plant species identified on site are considered rare.

EA4. The broadleaved woodland compartment is designated as ancient semi-natural. In line with Natural England's standing advice for ancient woodland, it is recommended buffer of at least 15m be kept from the edge of the ancient woodland compartment.

EA5. A number of mature oak, ash and poplar trees were scattered across the site, all of which were considered to have low potential for roosting bats. It is recommended these are retained, should this not be possible then they should be soft felled following a prior survey.

EA6. The hedgerows, tree lines and woodland all have potential to provide suitable foraging habitat for bat species. While it is believed much of these habitat features will be retained, given the size of the site and quality of the on-site habitat as well as connectivity to adjacent off-site habitats, it is recommended a bat activity survey is performed once per month between April to October. It is also recommended that static recording devices are left on site once per month for five consecutive nights.

EA7. No badger setts were identified on site, some mammal scrapings were identified but considered likely to be rabbit. Badgers may use the site for foraging and so should be considered during construction works. A subsequent badger update survey is recommended before works begin.

EA8. The majority of the site consists of short semi-improved grassland which is considered sub-optimal foraging habitat for UK reptile species. However, areas around the field margins, ruderal and ditches were considered suitable foraging habitat for reptiles. As such, reptile presence/likely absence surveys are recommended.

EA9. Recent biological records of dormice exist within a 2km radius of the site. Areas of hedgerow, tree lines and broadleaved woodland were present on-site, all of which contained species utilised by foraging dormice. These habitats also provide important connectivity to the wider landscape and neighbouring compartments of woodland, as such dormice presence/likely absence surveys are recommended.

EA10. Three water bodies were identified on site, two of which were dry at the time of survey. The pond that contained water was considered to contain 'below average' habitat for great crested newts. However, given the size of the site, the presence of

biological records in the local area as well as the potential scale of the proposals, it is recommended an eDNA survey is performed on the pond. The two dry water bodies on-site and two off-site ponds should also be reassessed during spring when they are likely to contain water and when access to the water is likely to be easier.

EA11. The site is not considered to be constrained by water voles or otters. It is considered that no further survey work for these species is required.

EA12. Nesting birds may use the trees and scrub on-site. It is recommended that clearance work on site be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitably qualified ecologist.

EA13. There is potential for the proposals to impact upon the protected ground nesting bird species for which biological records exist in the area. As such, a breeding bird survey is recommended to determine which species are using the site and in what capacity.

EA14. A number of rabbit warrens were identified on site, where works are proposed to take place that involve the destruction of warrens, it is recommended they are done so by hand tools to avoid crushing or asphyxiation of rabbits.

EA15. Recommendations for enhancements have been made within the report, aimed at improving the ecological value of the site post development, these include new tree plantings, bird nesting boxes and restoration of the on-site ponds.

### **Reptile Presence/Likely Absence Surveys**

RS1. Reptile surveys undertaken in April to June 2017 found a 'good' population of grass snakes to be present on site, a sub-adult slow worm was also identified. All reptiles were situated around the margins of the site.

RS2. It is considered that provided development is restricted to the areas of shorter grazed grass and that the margins of the site and connectivity features are retained then the impact to reptiles using the site would be largely avoided. Some reasonable avoidance measures have been detailed in order to further reduce the potential to harm any reptiles that may be on-site. The final mitigation strategy can be developed in line with the masterplanning.

RS3. A number of enhancements have been included in order to continue to provide suitable habitat for reptiles that may make occasional use of the site post-development.

### **Great Crested Newt eDNA Testing**

GCN1. The results from the water sample analysis indicates the likely absence of GCNs from the on-site water bodies. The site is therefore considered not to be constrained by this species and no further surveys are required.

GCN2. The use of eDNA is considered sufficient to inform a planning application.

### **Breeding Bird Survey**

BBS1. The site is dominated by sheep and horse grazed pasture with treelines, hedgerows and ditches within and bordering the site. A small compartment of woodland was situated in the eastern corner of the site. The boundary features and woodland were identified as supporting a range of common bird species as well as four BoCC Red List species and two Amber List species.

BBS2. It is recommended that the edge treelines and hedgerows be retained and enhanced within the development master plans. Native species can be planted to provide increased shelter and food sources for birds, small mammals and reptiles.  
BBS3. It is understood the proposals involve the retention of the field to the north of the site containing the public footpath. It is recommended patches of this grassland be kept short to retain feeding opportunities for species such as starlings and song thrush.

BBS4. The UK breeding season for most bird species takes place between March and September. It is therefore recommended that any works affecting the suitable bird habitat on site (including buildings and areas of shingle) be carried out outside of this period or under ecological watching brief, as detailed within the report.

### **Bat Activity Survey**

BAS1. During the transect surveys a low level of activity was recorded along hedgerows, tree lines and woodland edge across the site, comprised largely of more common and widespread species such as common pipistrelle, noctule and myotis sp.

BAS2. Four remote recording devices were set up in areas across the site and left to record for five consecutive nights in May, June, July, August and September. These Anabats revealed a greater use of the site by bats than the transects would have suggested. The most recorded species was the common pipistrelle followed by Myotis sp. Activity was greatest on the tree lines and hedgerows with direct connectivity to the on-site and adjacent ancient woodland compartments.

BAS3. Based on the findings of the two survey methods, recommendations for mitigation and enhancements have been made, aimed at improving the ecological value of the site for bats post development. This includes the areas of habitat recommended to be retained, dark corridors, pond creation and new habitat planting. It is considered that if the recommendations and enhancements are implemented

that the favourable conservation status of bats in the local area will not be impacted upon by the development.

### **Arboricultural Report**

AR1. A total of 77 individual trees, 31 groups, 8 hedges and 1 woodland are the subject of the report which has been written in accordance with BS 5837. These are:

- 3 individual trees, 3 groups and 1 woodland have been categorised as A grade of high quality and value.
- 14 individual trees, 11 groups and 4 hedges have been categorised as B grade of moderate quality and value. 22 individual trees,
- 49 individual trees, 16 groups and 4 hedges have been categorised as C grade of low quality and value. Under guidance set out in BS 5837:2012, C grade trees should not pose a constraint to development.
- 12 tree/group/hedges have been categorised as U grade and should be removed for reasons of sound arboricultural management.

AR2. None of the identified trees is subject to a tree preservation order nor is the site within a Conservation Area.

AR3. An assessment of soils on-site was carried out by a desktop analysis using the National Soil Resources Institute website which identified the soils in the northern aspect of the site as likely to be slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils. The southern aspect of the site is believed to be that of freely draining, slightly acidic loamy soils. This is a guide only and detailed on-site soil analysis should be undertaken by the project engineer to inform design.

### **Arboricultural Impact Assessment**

AI1. To facilitate the development; 7 individual trees, 2 groups, 1 hedge and 1 area of scrub will require removal. 8 groups, 1 hedge, and 1 scrub area will require partial removal. In addition to this, the development will incur into the RPA of the 5 Individual trees, 5 groups and 1 hedge.

AI2. None of the trees on or adjacent to the site is the subject of a tree preservation order (TPO) and they are not located within a conservation area.

AI3. The site is currently in use as grazing land for livestock and is divided by rural hedges, tree lined groups and fencing.

AI4. While there are several tree removals proposed, and several partial removals to facilitate the proposed development, most of the trees to be removed have been categorised as grade C and should therefore not represent a constraint to development. Of the remaining trees to be removed only 1 individual tree and 1

group to be removed are categorised as grade B. In addition, the removals are limited to trees/groups/hedges that are located generally within the interior of the site, with only a few instances of partial removal on the boundaries. The impact on amenity will therefore be minimal.

AI5. There would be compensatory planting identified in the soft landscaping scheme, located throughout the development to compensate for the losses of these poorer quality specimens.

### **Phase I Desk Study, Site Reconnaissance Report**

SR1. The site is mapped as being underlain by superficial Head deposits (Secondary Undifferentiated Aquifer) over Gault Formation (Unproductive Strata) in the southern and central area of the site, and West Melbury Marly Chalk Formation (Principal Aquifer) in the northern area of site.

SR2. The site is not located within a Groundwater Source Protection Zone (SPZ) with regards to the protection of potable water supplies. The site does not lie within an Environment Agency flood risk zone. A spring is shown on site on the historical maps reviewed.

SR3. The site is in an intermediate probability radon area. However, no special protective measures are reported to be required in the construction of buildings on this site, in respect of protection from radon gas.

SR4. The qualitative contamination risk assessment has identified Low to Moderate risks from the following potential contaminants on site:

- PAH, metal and asbestos associated with fly tipping and made ground within the infilled ponds;
- Pesticides and herbicides (associated with the current and historical agricultural use of the site); and
- Potential for on-site migration of gas from infilled pits and landfill sites within 325m to 550m of the site.

SR5. The geotechnical risk assessment has identified potential substantial risks from the following:

- High groundwater table and potential requirement for dewatering
- Soil heave and shrinkage associated with cohesive soils (Head deposits and Gault Formation); and
- Potential for naturally occurring selenite crystals within clay to produce ground that is aggressive to concrete.

SR6. Recommendations are provided for an exploratory site investigation, including geotechnical and laboratory testing of soils and 6 No. fortnightly gas monitoring visits to assess ground gas risk.

### **Utilities Statement**

US1. The report reviews the existing utilities and drainage records for the area and comments on likely future requirements and Points of Connection.

US2. There are existing supplies of water, gas, electricity, and telecommunications in the area and all are located in Sandyhurst Lane.

US3. Water and telecommunications plant in the area suggests that there should be no abnormal costs for supply.

US4. There is a significant possibility that a substation will be required on the site, supplied from the HV main in Sandyhurst Lane.

US5. There is a strong likelihood that the existing overhead HV electricity cables across the site will need to be diverted underground and an existing pole mounted transformer will have to be relocated. It may be possible to combine this with the new substation.

US6. There is a possibility that off-site reinforcement of the gas network may be required but confirmation should be obtained

US7. The report has been compiled from a desk study of existing asset plans, and further investigation is recommended to obtain budget estimates and Points of Connection from the network operators.

### **Statement of Community Involvement**

SCI1. The consultation strategy sought to involve a wide range of interested parties. The target groups for engagement included local residents, Ashford Borough Councillors, members of the Parish Council, neighbourhood planning representatives, statutory stakeholders and interested parties.

SCI2 On 24th July stakeholders, neighbours and interested groups were invited to attend a public exhibition at the Sandyacres Sports and Social Club to give feedback on the proposed residential development at Lenacre Hall Farm. On 25th July, Councillors were also invited to the event. A total of 449 invitations were sent out to the public and a further 53 invitations were sent to councillors to attend a private preview.



SCI3. Interested parties who attended the public exhibition were invited to record their comments by filling out a comments and feedback form. In total 71 people (14.1% of the total invited) attended the Consultation event and 34 attendees (47.9%) completed and returned the feedback forms at the exhibition.

SCI4. Interested parties were also invited to view the Exhibition Boards online, as well as submit their comments via the purpose-made website. In total 8 responses were received via the website and a further 4 responses were received via email.

SCI5. The public consultation raised a number of points which the Project Team have taken into consideration.

## Planning History

Planning history relevant to this site is detailed below:

**17/00005/EIA** – Environmental Impact Screening Opinion for residential development at Lenacre Hall Farm for up to 99 dwellings.

A decision was issued confirming that an Environmental Impact Assessment was not required.

**18/00413/AS** – The development of 21 new residential dwellings, access, drainage, car and cycle parking and landscaping. This application which is identical to the full application part of the application currently before the Members of the Planning Committee, was refused by the Planning Committee on the 31st July 2018. The reasons for refusal are as follows:

*The proposal would be contrary to Policies CS1, CS4, CS9, CS15 and CS18 of the Local Development Framework Core Strategy 2008, Policies TRS17, TRS18 and TRS19 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN10 and EN27 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU5, ENV3a and ENV5 of the Ashford Borough Local Plan 2030 (submission version), and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance and a form of unsustainable development, and this is not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:*

*(a) The location of development proposed lying outside the established settlement edge together with its scale would have a significant adverse urbanising impact on the open countryside, out of character with the adjoining rural settlement character. The development would therefore be unacceptably harmful to the visual amenity of the area.*

*(b) The development would be unsustainable in transport terms as there are no day-to-day facilities within easy walking distance of the site leading to the need for all journeys to access such facilities being made by car.*

*(c) The development would not conserve and enhance the natural environment and would lead to an unacceptable loss of habitat.*

*(d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:*

*· affordable housing · primary school expansion · secondary school improvement · libraries · sports – outdoor pitches · informal/natural space project · children's and young people's play project · allotments provision · strategic parks project · healthcare improvements.*

An appeal was lodged with the Planning Inspectorate against the Council's decision in January 2019. The appeal was dismissed on the 13<sup>th</sup> December 2019. The Inspector's decision stated the following in dismissing the case:

*“.. the open nature of the site is an existing feature which is important to local landscape character.*

*Sandyhurst Lane provides separation between the built form which forms the edge of the settlement of Ashford on one side and open countryside land on the other. I note that Lenacre Hall and nearby buildings are located on the other side of the road, however these buildings are limited in number and are some distance from the site. Nevertheless, this break provides a clearly legible delineation resulting in an attractive and clearly defined setting to the settlement of Ashford in this location.*

*Development on this land would result in a change to the internal character of the site. The introduction of a number of substantial dwellings, along with the likely associated domestic paraphernalia and urban features of the development, such as roads and car parking, would introduce an urban land use to this currently open site. I note that the proposed development would not change the pattern of field boundaries. However, given my findings above that the local character of this site is associated with the mainly undeveloped open land which surrounds on three sides, it can be seen that the proposed development would not sit sympathetically in this landscape.*

*.. introducing development on the northern side of Sandyhurst Lane in this location would be harmful to the defined settlement edge described above and consequently to the setting of the settlement of Ashford.*

*I agree with the appellant's Landscape Statement that the design and layout of the Appeal proposals are not consistent with the character of the built form on the southern side of Sandyhurst Lane. Whilst their design may relate to the Kentish Vernacular, they are not inherently ugly and they may create a sense of place in their own right, I do not consider that the proposed development is consistent with the local character of the built form in Sandyhurst Lane.*

*Although long distance views would be limited, the appeal scheme would be visible in*

*public views along Sandyhurst Lane and other points particularly in the winter months. The vegetation on the boundary would not be so dense that views would not be possible, particularly when trees are not in leaf. The development would also be visible along the proposed access road. Although in views from the nearby public rights of way there is an existing backdrop of housing, the proposed development would harmfully extend built form into this open landscape.*

*I am however satisfied that there would be an appropriate landscape buffer to the open countryside and I am provided with a mechanism for its maintenance. Nevertheless, the lack of harm in this respect would be a neutral effect and as such does not overcome the harm identified above.*

*For the reasons set out above the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would be contrary to the Policies of the Local Plan I find to be most relevant to this main issue: HOU5, SP1, SP6 and ENV3a, the aims of which are set out above.*

*.. the appeal site would be a suitable location for housing with particular reference to sustainable transport. In this regard it would therefore comply with Policies HOU5 b) and d) and SP1 of the Local Plan which together require that new development is in an accessible location within easy walking distance of basic day to day services, and located where it is possible to maximise the use of sustainable transport to access services, amongst other things.*

*.. the proposed development would not have a harmful effect on biodiversity. As such it would not be contrary to Policies HOU5e) and f) vi), ENV3a or ENV5 which, in part, seek to protect important rural features, wildlife habitats and the natural environment and enhance biodiversity interests on the site.*

*The proposed development would provide an efficient use of land in an accessible location. Future occupants would be likely to contribute to the local economy and would sustain local services, and there would be job creation through the construction period. There would also be economic benefits from the new homes bonus and financial contributions in the planning obligation. Also, housing in this location would reduce pressure on more sensitive sites.*

*These are, in the main, benefits of the scheme. Although I note that any financial contribution in a planning obligation would need to be of a scale to provide mitigation for any adverse impacts only and as such could not be considered a benefit of the development. Nevertheless, the scale of the proposed development means that these benefits are somewhat limited and I note that these benefits are generally not specific to this proposed site or development. Consequently, they would not outweigh the permanent and public harm to the character and appearance of the area, contrary to the development plan, identified above.*

*Whilst I do not find harm in relation to biodiversity or the accessibility of the site, the lack of harm in these regards is a neutral factor which would not outweigh the harm in relation to the character and appearance of the area. Consequently, the development proposals do not accord with an up-to-date development plan and as such cannot be considered to be sustainable development in terms of the Framework”.*

(Appeal reference - APP/E2205/W/19/3220880 – 13 December 2019)

## Consultations

**Ward Members:** No comments.

The former Ward Member did make representations in December 2017. These comments are as follows:

*"I support the objections raised by residents and their representatives. The site is not in the Local Plan before the Government Planning Inspectorate for Public Examination. The site was rejected by ABC following the call for sites as it is not suited to sustainable development and the site has bio diversity and landscape value. The whole purpose of plan making is to ensure developments and infrastructure needs go hand in hand with sensible and measured considerations and that is what the Local Plan has achieved by excluding parcels of land like this. Speculative development such as this cannot satisfactorily address infrastructure needs as they are incoherent and place unacceptable pressures on local roads and vital local amenities such as schooling. They do not reflect the vision and aspirations of local communities to have real sustainable developments that take due regard for landscape and setting.*

*NPPF places a priority to develop brownfield land, lower grade land, and land that has no discernible value, before seeking to develop land of more value. The Ashford Local Plan by rejecting this site is in full accordance with the NPPF and fully satisfies Ashford Objectively Assessed Housing need.*

*National Planning Policy looks to conserving and enhancing the natural environment and that planning should seek to protect and enhance valued landscapes, geological conservation interest and soils; recognise the wider benefits of ecosystem services; minimise impacts on biodiversity and provide net gains in biodiversity where possible contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. This site and the surrounding landscape is exactly what Government Policy refers to.*

*The rural north side of Sandyhurst Lane is a valued biodiverse landscape that forms an integral part of the wider ecological networks. Development of the land for housing will severely impact this network. Planning Policy places great importance on protection for ecological networks and to halt their decline. The Government is committed to increasing not decreasing the area of important wildlife habitats through the UK Biodiversity Action Plan (UK BAP).*

*The land is to the north of Sandyhurst Lane and is greenfield. It is a distinctive and established boundary between the Rural and Urban settlements of Boughton Aluph and Eastwell. Development here would be an encroachment of the urban settlement*

*into the distinctive rural countryside and will bring development pressure on other large areas of land to the north of Sandyhurst Lane and the Faversham Road. Land to the north of Sandyhurst Lane is a distinctive and important local landscape and its very character softens the urban / rural edge, making it a tranquil and pleasant place to enjoy the great outdoors for those that live in Sandyhurst Lane and for those that visit to enjoy the walks through the network of public footpaths and streams. Land to the north is what gives Sandyhurst Lane a sense of place, an important planning consideration.*

*Local Plans are key to delivering sustainable developments and are essential to avoiding random developments as by nature they are unsustainable. The site is not close to a bus route or shops. It is outside the local primary school catchment area and the school is oversubscribed with no capability for expansion. The Ashford Local Plan has been careful with chosen sites and their location so that developments are more able to fund public transport and shops, and provide schools to support; and it is a key consideration of plan making to ensure the Ashford Local Plan development strategy chooses sites that are sustainable in every sense of the meaning. The Lenacre Farm proposal is an opportunist development that is wholly unsustainable.*

*Sandyhurst Lane is part of a road network that can be severely stressed during peak times. And while traffic will always be an issue, this area north of Ashford must be sensitive to the restrictions of the local road network, their limits, and their inability to expand.*

*Development here will have an unacceptable impact on residents' enjoyment of their homes and the place they live. Ashford Development Plan has chosen sites with the least impact on the local road networks, that are able to expand, and S106 monies are fully able to fund. Large scale development of this nature would not be in keeping with the current linear form of development in Sandyhurst Lane, and would severely impact upon its rural landscape value and the character setting.*

*The site is visible from the wider landscape. This part of Sandyhurst Lane is in a rural setting and is surrounded by fields. For residents, this setting would be negatively impacted by development because of the harmful effect to the landscape character.*

*The site is in close proximity of another local Wildlife site and is an integral and important part of the wider ecological network within this region. The site itself is known for its wildlife. Homes bring with it domesticated animals that are known to seriously affect wildlife habitats, and this impact from housing cannot be eliminated, and so close, adjoining wildlife areas will be devastated.*

*Development in rural areas shall be designed in a way which protects and enhances the particular landscape area within which it is located and where relevant any adjacent landscape area. The proposed development will entirely obliterate the landscape and severely affect the adjacent landscape area. The Government also acknowledges that there are landscape areas outside the nationally designated*

*areas that are particularly highly valued locally and a local approach to their protection could be acceptable. It states that tools such as Landscape Character Assessments (LCA) can provide sufficient protection for these areas without having to label areas with rigid designations, which may be unduly restrictive. It suggests that criteria-based policies in Local Development Documents could therefore be an acceptable approach that provides sufficient protection. Ashford Borough Council has decided on a criteria-based approach based on an LCA to protect the areas of local landscape importance within its boundary. Land north of Sandyhurst Lane which includes the proposed development site is just such an area and indeed Ashford Borough Council purchased the adjoining Sandyacres sports ground some years ago for the very reason to protect the landscape area from potential development.*

*Landscape is therefore about people and places, a landscape's uniqueness contributes to society, the economy, the environmental value of the area and a person's perceptions. For example, an area can play an important role in people's lives, contributing to a sense of identity and well-being, or it may be home for a particular type of habitat or wildlife species. Land north of Sandyhurst Lane which includes this proposed development site is just such a landscape area".*

**Boughton Aluph and Eastwell Parish Council:** Object for the following reasons:

Since the submission of this application the Ashford Local Plan has been adopted. The Plan identifies more land for residential development than is needed to meet the Plan's overall housing target, and adopts a pragmatic and realistic approach to housing delivery in Ashford, there is no justification for allocating significantly more land in the less sustainable locations which would seriously affect the borough's character.

The setting of the AONB merits particular protection in accordance with National Planning Policy.

It is important to note that as from May 2019, following a decision by the Local Government's Boundary Commission, the parish will be divided into two wards, the urban area of Goat Lees and the rural Downs West. This major development sits within the less sustainable and more sensitive section of the rural ward.

The Neighbourhood Plan has progressed to Reg 14 status. Specifically regarding potential development of the Lenacre Hall Farm site, the collective response was unequivocal: of the seven sites for potential development featuring in the survey, this site was clearly the most unpopular, with 75% seeing it as unsuitable or highly unsuitable. Most salient of all for this application, 91% of respondents saw maintaining the existing rural/urban boundary in the parish (specifically defined as running along Sandyhurst Lane) as important or very important.

**(SD&DM comment:** The Boughton Aluph and Eastwell Parishes Neighbourhood Plan has now been formally 'made' (adopted) by the Council, and subsequently forms part of the Development Plan. Policies within the plan will now apply to development proposals within the parish.)

There is strong local opposition to this development.

**Westwell Parish Council:** Object to the application and makes the following comments:

- The application is not compliant with the emerging local Plan. This site was assessed but not included.
- There would be an unacceptable increase in traffic in a rural lane that is already used as a rat-run to avoid Trinity Road; is subject to congestion queuing at peak times at the north and south junctions; has no footway for most of its length.
- The site is agricultural land very close to the AONB with a listed building and ancient woodland within the site, and further ancient woodland and an archaeological site within 200m west.
- The site is rural. If development took place on the site it would move the acknowledged urban boundary of Ashford to the west.
- The development would pose a risk to wildlife corridors in the area.
- The methodology used in the environmental statement and tree survey is considered to be flawed given that only one day was spent on site. It is considered that this plus the use of a desk-top survey gives inadequate, inaccurate results, and does not correctly assess the wildlife sensitivity of the site.
- The proposed lighting would be contrary to ABC's Dark Skies policy and give rise to light pollution in Sandyhurst Lane and
- Lenacre Street, to the detriment of existing residents and wildlife. These roads do not have street-lighting.
- The topography of the site means that the development would be visually intrusive, damaging the immediate setting of the AONB and the landscape character of the area.

**Kent Highways and Transportation:** No objections subject to conditions and state the following:

*“A MOVA mitigation scheme is proposed at the junction of Trinity Road and Faversham Road. This will optimise green times during peak periods and reduce delays and queues. The applicant has agreed to fund KCC to undertake this mitigation scheme, the cost of which is £35,000. This funding is required prior to the occupation of the 22nd dwelling on the site. The cost of this scheme should be secured through a Section 106 planning agreement”.*

**(SD&DM comment:** The MOVA mitigation scheme is a vehicle optimisation signal scheme that can detect queuing on arms of a junction and alter green times accordingly).

**Kent County Council (Lead Local Flood Authority)** – No objection subject to conditions.

**Southern Water:** No objections stating that:

*“Southern Water has recently undertaken more detailed network modelling as part of a network growth review. The results of this assessment, to our current modelling procedures and criteria, indicates that the additional foul sewerage flows from the proposed development will not increase the risk of flooding in the existing public sewerage network. Southern Water can hence facilitate **foul sewerage disposal** to service the proposed development. Foul sewerage flows from both phases of the development are to be discharged via on-site pumping stations and at respective manholes TR00458501 for Phase 1 and TR01452901 for phase 2”.*

Request that any drainage conditions are agreed and approved by the local planning authority in consultation with SW.

**ABC Drainage:** No objections.

**ABC Environmental Health Manager:** No objections subject to conditions relating to contamination, code of construction practice and EV charging points for vehicles.

**Kent Police:** No objections but request a condition or Informative to show a clear audit trail for Design for Crime Prevention and Community Safety.

**Kent Fire and Rescue:** No objections confirming that the means of access is satisfactory.

**Environment Agency:** No comments to make.

**Natural England** – No objection.

**(SD&DM Comment:** NE have not been reconsulted on this application following the statutory advice received in July 2020 regarding development proposals in the Stour Valley catchment area with the potential to increase harmful nutrient impacts at designated protected lakes at Stodmarsh. Notwithstanding this, the Council is legally obliged to give significant weight to the views of NE set out with the formal standing advice in relation to relevant planning applications).

**KCC Ecological Advice Service:** No objection subject to conditions.

**KCC Public Rights of Way and Access:** No objection stating the following:



“Public footpaths AE207 and AE208 would be directly affected by proposed development. We support the provision of pedestrian and cycle access within the site which link to the National Cycle Route and onto Sandyhurst Lane. Please note that any route that is not recorded as a PROW will not be maintained by the County Council and the ongoing maintenance of such routes will need to be secured. Although these routes will not become public rights of way we would recommend a minimum width of 3m for shared use paths.

In response to this application’s previous EIA we stated that provision for walkers and cyclists should be provided within traffic free, wide green corridors of open space and not be confined behind rear gardens and overlooked by any adjoining property to help facilitate a safer environment for path users. Regarding this guidance we have concerns over the section of footpath AE207 from its junction with Lenacre Street which runs adjacent to Yew Tree Cottage and a proposed housing plot. This section of the path will become part enclosed once the houses are built and this coupled with the potential increase of use from the new residents will have an adverse impact on the path.

We ask that footpath AE207 has a minimum 3 metre width between the development site boundary and the boundary of the proposed house gardens. This will prevent footpath AE207 feeling enclosed and will deter anti-social behaviour. We also ask that this small section of AE207 which runs adjacent to the houses for 150 metres is surfaced to a minimum width of 2 metres to help mitigate the increased use. Overall the PROW and countryside access has been well considered in the layout and design of the proposed development. Afore mentioned improvements to the PROW network will further increase the opportunities available to residents for recreation, active travel and exercise”.

It is requested that a financial contribution of £15,000 is secured by way of 106 Agreement to upgrade the surface of existing footpath AE207 to an appropriate standard for 150m from Lenacre Street to a width of 2m.

**Kent Wildlife Trust:** Object. Comment as follows:

- Lack of consideration of the ancient woodland within the red line boundary and the adjacent Local Wildlife Site and its associated boundary features that run through the site. Design layout does not appear to respect or protect these features and detail of how any impacts will be mitigated for do not appear to have been provided. In addition, garden boundaries appear to have been marked in on the masterplan as running up to existing boundary features- this is not an acceptable approach as these features need to be incorporated into the design as part of the wider green infrastructure and managed as boundary features (with sufficient space in which to do so). Including these into gardens will not guarantee their management in the long term.

- Consideration should be given to the notable species of Hedgehog- and that garden layouts include raised gates and hedgehog passages, with any grassed open space having dropped kerbs at any green infrastructure linkage points.

**(SD&DM comment:** The layout of the northern part of the site is in outline only with layout a matter for future consideration)

**ABC Culture:** Request off site contributions towards play, allotments, strategic parks, outdoor and indoor sports and the arts and voluntary sector. Informal natural open space is to be provided on site. All contributions should be secured through a s106 agreement should planning permission be granted.

**Kent County Council Heritage:** No objection subject to conditions. State:

“This application is supported by a Historic Environment DBA by ASE. In my view the DBA is of outstanding quality and provides a detailed, clear and robust description of the historic environment of this particular site. The Planning Statement outlines heritage issues in section 7.6 and although it refers to the ASE DBA, I would like to stress that the lack of known heritage assets on this site is most likely reflecting the limited nature of formal investigation on the site rather than a lack of archaeology. And until archaeological remains are revealed and appropriately assessed, significance is unclear.

I would support the proposal that archaeological issues can be addressed through condition but would emphasise the need to undertake a phased programme of fieldwork at a very early stage and ensure there is site-wide coverage in the initial stages. Understanding the heritage of this site may benefit from a phase of geophysical surveying in order to try and target further evaluation and detailed mitigation.

There needs to be further consideration of historic landscape features. This aspect is covered in the ASE DBA and it would be appropriate to ensure suitable mitigation for historic landscape features. I would also like to encourage the applicant to consider ways to integrate important historic landscape features in to the final design and layout. For example, the overriding field boundaries are north to south and there are some historic footpaths still in use. It would be preferable for this pattern to be replicated in the final design and for the historic footpaths to be retained”.

**Ashford Ramblers’ Association:** No objection but states:

“While I am deeply saddened by yet more greenfield sites being used for housing and yet more of Ashford's precious - and increasingly limited - countryside being built on, since the original footpath remains unaltered in these plans I can make no objection other than to say it will affect the enjoyment and feeling of open space of the Right of Way which is used regularly by walkers and dog walkers in the area”.

**Kent Downs AONB Unit:** No objections subject to the proposed landscape masterplan (4517-LLB-ZZ-XX-DR-L-0001) being secured and building heights restricted to two stories across the entire site.

**Kent County Council (Developer Contributions)**– No objection. Requests contributions towards primary and secondary education along with library contributions, social care, youth services and community learning.

**Sandyhurst Lane Residents' Association:** Object stating that the development would be unsustainable, inappropriate and environmentally damaging.

**182** neighbours consulted, **165** letters of objection received and **1** letter of support. Comments are summarised below.

Objection comments:

- The existing infrastructure including amenities could not support the additional properties.
- Traffic impact. Surrounding roads already suffer with excess traffic and delays at peak times.
- The proposed road junction from the site onto Sandyhurst Lane is in close proximity to the entrance to Sandycres sports & social club which frequently has heavy traffic use and the footpath access is on the blind bend opposite 354 Sandyhurst Lane, this could lead to accidents with the traffic using the Lane.

**(SD&DM comment:** The separate pedestrian link has been deleted from the southern portion of the scheme).

- The development would be detrimental to the woodland habitat.
- Contrary to the applicant's statement the area is prone to flooding whenever there is heavy rain with the culvert from the woodland that passes under Sandyhurst Lane overwhelmed this results in the woodland and surrounding areas including the lane in the vicinity under water and has led to road closure at times, this will increase if the site is developed.
- It has been established that the boundary between the urban areas and the rural areas to the North of Ashford would remain along Sandyhurst Lane as proposed by the Neighbourhood Plan.
- Agricultural land should be detained for food production.
- When an incident happens on the m20 Sandyhurst Lane turns into a car park as traffic sits here stationary. It is simply not an option to put large developments on this Lane as it is unable to cope already as soon as anything goes wrong.
- The amendments fail to address previous concerns.
- The supporting infrastructure is lacking in terms of schooling/ hospitals/ doctors/ public transport/ utilities services/unsuitable for highway connections.
- The land should be preserved as a very important part of the country side used by the local community for walking etc.

- The development would be detrimental to wildlife.
- The landscape assessment for Eastwell Farmlands prepared by studio Engleback 2005 is an accepted policy in the ABC 2030 plan, it grades this site as Conserve and Create, specifically by planting more trees. It regards the site as having high ecological integrity with a unique and separate character. This categorisation should inform ABC that the site is not well suited for development.
- This development will completely surround the small and highly vulnerable ancient woodland and have both direct and indirect impacts on the ancient woodland. The proposed footpath/cycleway between the southern and northern sections still lies within the 15m buffer zone and as the plans indicate, it will have hard standing.
- This application contains the smaller site of 21 houses which was rejected earlier. The reasons for rejecting this site still apply.
- The site is not an allocated site.
- The proposal has previously been rejected and nothing has changed.
- The ground is good arable land and hosts multiple types of endangered animals.
- The detailed scheme amendments are minimal and Millwood have made little attempt to address the major objections made by the 100+ people in November 2017 which are therefore all still valid.
- The proposed development will have a major impact on the visual amenity and change the rural emphasis of the area.
- The development proposals are out of character with the area.
- In light of the housing requirement and supply, there is no justification for the delivery of housing in unsuitable and unsustainable locations.
- Lenacre Lane has developed in a similar way to Sandyhurst Lane with “ribbon” development on one side. Occasional infill building has not impacted on the overall visual amenity of an essentially rural area. However the proposed development will have a major impact on the visual amenity and change that rural emphasis.
- The dense modern housing would be out of keeping with the character of the area.
- Sandyhurst Lane is winding, unlit and with no footpath along much of its length. The development would put pedestrians at risk.
- Construction traffic and noise etc would blight the lives of existing residents for years to come.
- The council should focus development on brown field sites and enhancing current housing, infrastructure and amenities. This will improve the overall area and drive value within the borough.
- Green areas are essential for the wellbeing of all life.
- There are no day to day facilities within an easy walking distance of the site.
- The development would devalue the area.
- There is misleading information in the Transport Statement.
- The hybrid application is worse than the scheme already refused by the Council for the 21 dwellings in the southern part of the site.

- The local school is oversubscribed.
- The development would not comply with planning policy.
- The countryside must be protected.
- The development would be harmful to biodiversity.
- This site cannot be considered a windfall site. Windfall meaning unexpected. This site has been through the whole democratic process of being considered for inclusion in the new local plan. It has been rejected wholeheartedly by the local community and the Parish Council and excluded from the new plan.

Support Comments:

- The line of Sandyhurst Lane and Lenacre has already been broken with houses on either side of Sandyhurst Lane etc. We need more houses and affordable ones for our children. There is no reason why this development should not go ahead.

## **Planning Policy**

36. The Development Plan for Ashford Borough comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph & Eastwell Parishes Neighbourhood Plan (2021) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
37. Not part of the Development Plan but noteworthy are (i) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (ii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process towards adoption.
38. The relevant policies from the Local Plan relating to this application are as follows:-
- |      |   |
|------|---|
| SP1  | Strategic Objectives                                |
| SP2  | The Strategic Approach to Housing Delivery          |
| SP6  | Promoting High Quality Design                       |
| HOU1 | Affordable Housing                                  |
| HOU5 | Residential windfall development in the countryside |

HOU6	Self and Custom Built Development
HOU12	Residential space standards internal
HOU14	Accessibility Standards
HOU15	Private external open space
HOU18	Providing a Range and Mix of Dwelling Types and Sizes
EMP6	Promotion of Fibre to the Premises (FTTP)
TRA3a	Parking Standards for Residential Development
TRA5	Planning for Pedestrians
TRA6	Provision for Cycling
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light Pollution and Promoting Dark Skies
ENV5	Protecting Important Rural Features
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage
ENV12	Air Quality
ENV13	Conservation and Enhancement of Heritage Assets
COM1	Meeting the Communities Needs
COM2	Recreation, Sport, Play and Open Spaces
COM3	Allotments

IMP1            Infrastructure Provision

IMP4            Governance of space/facilities

39. The relevant policies from the Boughton Aluph and Eastwell Parishes Neighbourhood Plan (2021) relating to this application are as follows:-

Policy BAE NP1    Design of New Development and Conservation

Policy BAE NP3    Development in the Countryside

Policy BAE NP9    Public Rights of Way

Policy BAE NP11   Securing Infrastructure

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

#### **Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (relating to external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

#### **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) 2021

30. 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:-
31. Paragraph 8 - The NPPF sets out the high level government aim of achieving sustainable development through 3 main objectives which are interdependent and need to be pursued in mutually supportive ways. These 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
  - 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

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 20 – 23 - Strategic policies.

Paragraph 28 – 29 Non-Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 39 to 46 - Pre-application engagement.

Paragraph 47 – 50 - Determining planning applications.



Paragraphs 55 to 58 - Planning conditions and obligations.

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

Paragraphs 68 to 73 - Identifying land for homes.

Paragraphs 74 to 77 - Maintaining supply and delivery.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 114 to 118 - Promoting sustainable transport.

Paragraphs 112 to 116 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

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

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

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment.

National Planning Policy Guidance (NPPG)

Technical Housing Standards – Nationally Described Space Standards.

## Assessment

32. The main issues for consideration are as follows:

- a) The application proposals in relation to the Borough's strategic approach to housing development
  - b) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services
  - c) The impact of the scheme on the character and appearance of the surrounding area
  - d) Design and Layout
  - e) The impact of the development upon heritage assets
  - f) The impact on residential amenity
  - g) The impact of the development highway safety and approach to parking
  - h) Ecology and biodiversity
  - i) Flooding and drainage and contamination
  - j) Affordable housing provision, housing mix & self build
  - k) The effect on the Stodmarsh European designated site
  - l) The application proposals in relation to the Borough's 5 year housing land supply
- (a) The application proposals in relation to the Borough's strategic approach to housing development

41. 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.

42. 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.
43. The adopted Ashford Local Plan 2030 sets out the land use planning strategy for the Borough and pursues a hierarchical approach towards the distribution of housing development across the Borough in a plan led and sustainable way.
44. Policy SP1 sets out the strategic objectives for the Borough forming the basis for the policy framework of the Local Plan. Criteria (a) states that it is important to:
- '...focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and makes the best use of suitable brownfield opportunities'*.
45. Further, policy SP2 identifies that the housing target for the Borough will be met through a combination of committed schemes, site allocations and suitable windfall proposals and that the majority of new housing development will be at Ashford and its periphery, as the most sustainable location within the borough.
46. In rural areas, policy SP2 states that development should be at a scale that is consistent with the relevant settlement's accessibility, infrastructure provision, level of services available, suitability of sites and environmental sensitivity.
47. The application proposes a development of up to 79 units on fields that adjoin the edge of the existing urban area. As a large, unallocated, housing proposal, the application would significantly increase the number of dwellings to be provided in this location.
48. Whilst policy SP2 allows for windfall housing development to come forward, this is where it is consistent with the spatial strategy outlined in the policy and, with other policies in the Local Plan to ensure that sustainable development is achieved. I deal with the consistency of the proposals with other Local Plan policies below.
49. Policy HOU5 (residential windfall development in the countryside) states that proposals for residential development adjoining or close to the existing built up confines of identified settlements such as Ashford, will be acceptable providing that each of the following criteria is met;-
- 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;

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

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

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,

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

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

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

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

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.

50. Policy HOU5 also deals with the issue of windfall development within or in the setting of an AONB and the need for proposals to be justifiable within the context of the national level of protection afforded to such areas and the need to conserve and enhance their natural beauty.

51. A detailed assessment of the proposed development against policy HOU5 is set out below.

(b) The location of the site in relation to the level, type and quality of day to day service provision currently available and accessibility to those services

52. Criterion (a) of policy HOU5 requires the scale of development proposed to be proportionate to the level of service provision currently available in the nearest settlement and commensurate with the ability of those services to absorb the level of development.
53. The proposal, in the context of the settlement as a whole, is not considered to be disproportionate, and the cumulative impact of the development on the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan-led approach to growth could in turn maintain and/or even enhance the viability of these facilities. As such, I am satisfied that the proposal would not conflict with policy HOU5 (a) of the Local Plan.
54. Policy HOU5 (b) requires that a windfall development 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. The supporting text to this policy outlines that basic day to day services such as a grocery shop, public house, play/community facilities and a primary school should be within a generally accepted easy walking distance of 800 metres in order to be considered sustainable, although it is identified that the specific local context of a settlement may mean a higher or lower distance would be a more appropriate guide.
55. Sandyhurst Lane is part of the wider Ashford area and Ashford, as the largest settlement with good transport links, represents the most sustainable location with the borough. The urban area is home to approximately half of the borough's population and it is where a large proportion of local jobs are located. It is also the area that future economic growth will be concentrated.
56. It is also recognised that there are a wide and full range of local services available within the town centre and the various neighbourhoods that make up the wider urban area and the town caters for its own residents' needs and those living in the rural hinterland.
57. The site is not considered to be an isolated location given that it is adjacent to the established settlement. The site is within a reasonable walking & cycling distance of a number of local services and facilities.
58. The closest bus stop is situated a short walk away and has frequent services to Ashford town centre and Faversham to the north. Footpaths/cycle routes connect the site to key employment/retail area to the south. Pedestrian and cycle routes lead further south towards Ashford town centre. A public right of way borders the site on the west boundary heading north around the site.

59. There are a number of medical and healthcare facilities such as dental and GP surgeries also within a reasonable walking distance of the proposed development. The Towers School and Goat Lees Primary School are also located within 1km of the site.
60. The site is therefore not considered to be physically 'out-of-the-way' or isolated from services. I am satisfied that the proposal would comply with criteria (b) and also (d) of policy HOU5. The Planning Inspector came to the same conclusion in her response to the recent appeal (APP/E2205/W/19/3220880) on part of this site stating:

*"...the appeal site would be a suitable location for housing with particular reference to sustainable transport. In this regard it would therefore comply with policies HOU5 (b) and (d) and SP1 of the ALP which together require that new development is in an accessible location within easy walking distance of basic day to day services, and located where it is possible to maximise the use of sustainable transport to access services, amongst other things".*

(c) The impact of the scheme on the character and appearance of the surrounding area

61. Policy HOU5 (f) requires the development (and any associated infrastructure) to be of a high quality design and meet the following requirements:-
- i) the need to sit sympathetically within the wider landscape,
  - ii) the need to preserve or enhance the setting of the nearest settlement,
  - iii) the need to include an appropriately sized and designed landscape buffer to the open countryside,
  - iv) the need to be consistent with local character and built form, including scale, bulk and the materials used.
62. As concluded by the Planning Inspector at the recent appeal, the site relates more closely with the mainly undeveloped land to the north of Sandyhurst Lane as a result of its undeveloped nature.
63. In terms of the existing landscape character, the site reflects some of the characteristics as described in local landscape character assessments. It is formed of fields which are predominantly small or medium, in irregular patterns. Boundaries are formed by hedgerows and shaws, with character and species reflecting the underlying soils. It also features an area of ancient

and semi-natural woodland and reflects the mosaic of mixed farming, with pasture and arable land set within a wooded framework.

64. Local landscape character assessments locate the northern and southern parts of the site into two separate character areas.
65. The northern part of the application site does reflect some of characteristics as set out in the Landscape Assessment of Kent (Stour Gap: gently undulating farmed landscape and small copses and woodland clumps). At a local level it reflects elements of the Ashford Landscape Character Study description for this area (Eastwell Farmlands), which includes rolling arable and pasture with medium sized fields generally divided by mature thick hedges. The subdivision, described as Lenacre Hall Farm is described as rough pasture with a western boundary hedgerow which forms a strong boundary with the arable land and gives the parcel a unique and separate character. The site thus retains a distinctive character, forming a buffer between the northern fringe of Ashford and the agricultural land to the west.
66. Under the indicative proposals a section of the site's western field would be retained as open space, together with existing vegetation and boundary hedgerows, and the layout suggests a sensitive approach to overall site topography and the density of neighbouring existing development. However, the proposals would remove much of the area of grazing pasture which form the landscape buffer, would introduce built form into a large part of the site and would increase the depth of development west of Sandyhurst Lane. This would impact adversely upon the existing character of the site, including the user experience of the public right of way which runs inside the western boundary.
67. The site's topography and the indicative location of the proposed development are such that visibility of the built form from viewpoints in or at the boundary of the AONB, would be limited. Proposed development in the north west of the site would potentially be visible from the recreation ground however, significant visual effects would be confined largely to the footpath which follows the inside of the western boundary.
68. The southern part of the site does reflect the undulating landscape of mixed farmland of the Hothfield Heathy Farmlands. At a local level the site is included within a subdivision of Hothfield Heathy Farmlands identified as Sandyhurst Farm which covers an area of land stretching south westwards. The site lies at the northern tip and forms a small part of this widely varying character area. Within Sandyhurst Farm character area the site forms a part of a further subdivision defined as West of Goat Lees. However, the site cannot be said to reflect the identified characteristics of this area, which focus

mainly on recreational land use for sports. Its topography, land cover, landscape pattern and land use would suggest that it has a closer relationship with the main part of the site to the north, rather than land to the west, although it is physically separated by hedgerows and woodland. The site therefore does contribute to the landscape buffer formed by the wider area of the whole site and to the character of an undeveloped settlement edge. At the same time, it has a more urban setting than the northern part of the Site, with the whole southern boundary adjacent to Sandyhurst Lane and the western boundary adjoining the recreation ground. The proposals would introduce built development across much of the southern part of the site, with an area of green space proposed to be retained and enhanced at the eastern corner and a green corridor created along the northern boundary.

69. Visual impacts would be confined to near views from Sandyhurst Lane, the recreation ground and from the footpath. These viewpoints would all potentially include, in varying degrees, views of the development and an increased sense of the built form within the landscape. Existing distant views from Sandyhurst Lane would potentially be partially lost, reducing the sense of the settlement's rural setting.
70. Indeed, the inspector noted at the recent appeal on this site, that:

*“Development on this land would result in a change to the internal character of the site. The introduction of a number of substantial dwellings, along with the likely associated domestic paraphernalia and urban features of the development, such as roads and car parking, would introduce an urban land use to this currently open site. I note that the proposed development would not change the pattern of field boundaries. However, given my findings above that the local character of this site is associated with the mainly undeveloped open land which surrounds on three sides, it can be seen that the proposed development would not sit sympathetically in this landscape”.*

*Furthermore, introducing development on the northern side of Sandyhurst Lane in this location would be harmful to the defined settlement edge...and consequently to the setting of the settlement of Ashford.*

*Although long distance views would be limited, the appeal scheme would be visible in public views along Sandyhurst Lane and other points particularly in the winter months. The vegetation on the boundary would not be so dense that views would not be possible, particularly when trees are not in leaf. The development would also be visible along the proposed access road. Although in views from the*



*nearby public rights of way there is an existing backdrop of housing, the proposed development would harmfully extend built form into this open landscape”*

71. In October 2021, the Boughton Aluph and Eastwell Parishes Neighbourhood Plan was adopted and now forms part of the Development Plan and is afforded full weight in the decision making process. The Plan sets out the vision for the parishes to retain its distinctive rural character at the urban edge of Ashford. Policy BAE NP3 (Development in the Countryside) is of particular relevance and states the following:

A proposal for development within the countryside will only be supported where:

- a) it would conserve and enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting as well as the tranquillity of the countryside and would have regard to the Kent Downs AONB Management Plan;
- b) it would retain the landscape character of, and not have a detrimental impact on, the area of Eastwell Farmlands valued landscape defined on Map 14;
- c) it would retain and enhance the landscape character of Eastwell Park Historic Park and Garden defined on Map 5;
- d) it would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built-up confines, in particular those defined on Maps 16 and 17;
- e) it would protect and, where possible, enhance ancient woodland as defined on Map 15; and
- f) it is necessary for the purpose of providing essential utilities infrastructure.

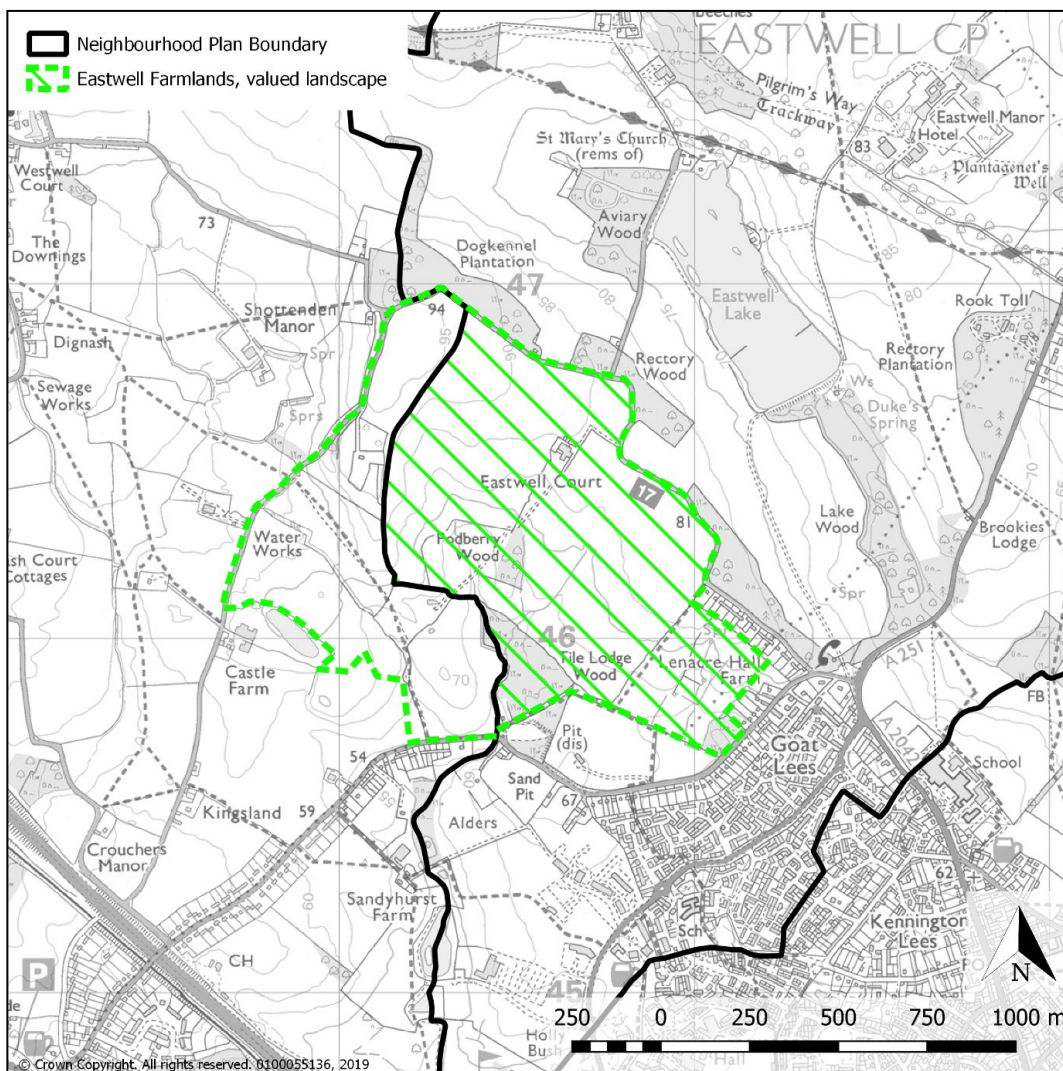
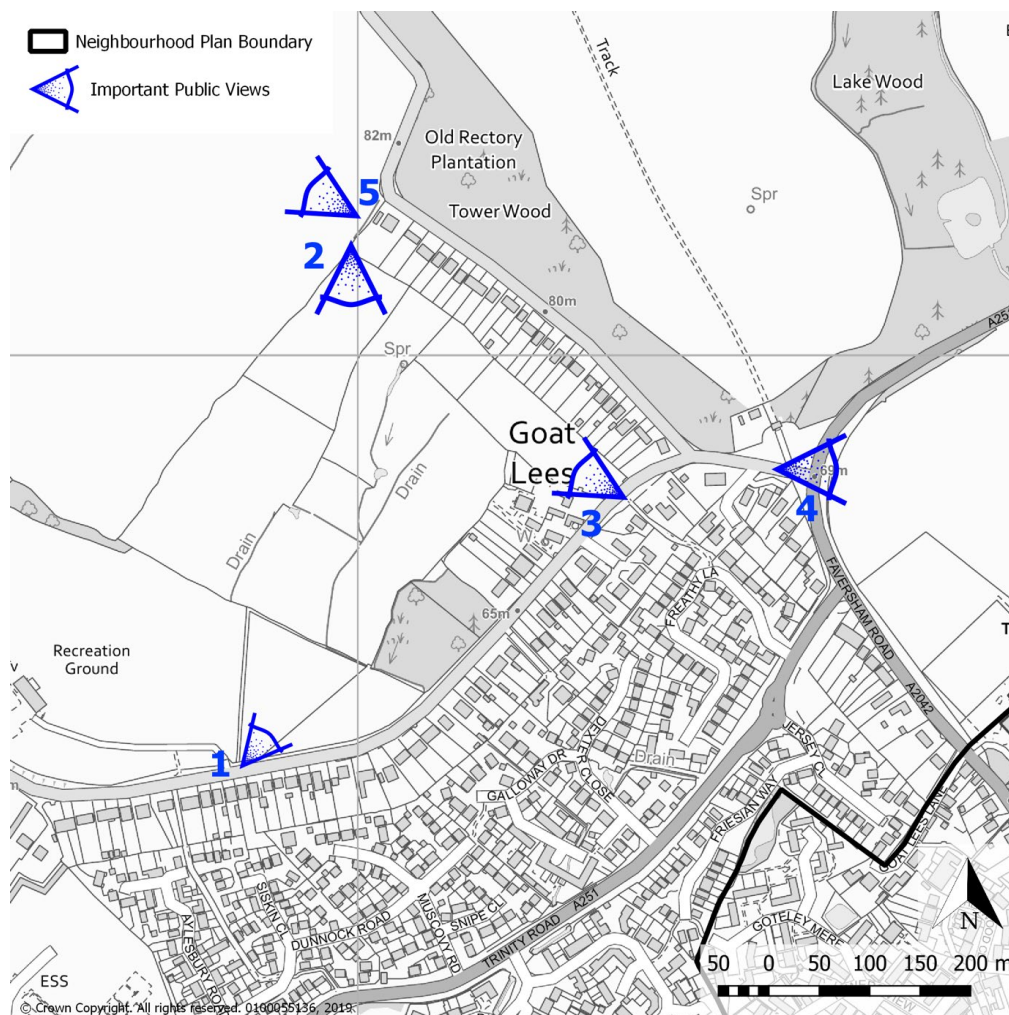


Figure 8: Eastwell Farmlands valued landscape (Map 14 BA&E NP)

72. Policy BAE NP3b seeks only to permit development which would retain the landscape character of, and not have a detrimental impact on, the area of Eastwell Farmlands valued landscape defined on Map 14 (See Figure 8).

73. The northern part of the site would be located within the Eastwell Farmlands valued landscape. The proposed development of up to 79 dwellings together with the associated urban features such as roads and car parking would fail to retain this important landscape character and as such the proposals would fail to comply with newly adopted policy BAE NP3b.
74. The Neighbourhood Plan also identifies a number of important viewpoints where it seeks to maintain the distinctive views of the surrounding countryside these are identified on **Figure 9** below.



**Figure 9: Important Public Views**

Viewpoint 1: From Sandyhurst Lane adjacent to the entrance to Sandyacres Sports and Social Recreation Open Space, looking North East across grassland towards Tower Wood, Lenacre Street, with views over Lenacre ancient woodland.

Viewpoint 2: From public footpath AE207 where it enters Lenacre Hall Farm looking South, views across farmland and the Sandyacres Sports and Recreation Open Space and over woodland towards The Warren, Hoads Wood and Godinton Park. And south-easterly towards the Ashford Town skyline.

Viewpoint 3: From Sandyhurst Lane, adjacent to Lenacre Hall Farm buildings, looking North West over the farm gate, view across farmland and Eastwell Park Estate. The whole view framed by oak trees.

75. Viewpoints 1-3 all directly relate to the application site. It is clear that the development proposed would undoubtedly drastically change the rural character of the settlement edge and the distinctive viewpoints that are currently enjoyed and which the recently adopted Neighbourhood Plan seeks to preserve.

In light of the above, I consider that the proposed development would fail to comply with policy HOU5 (f) as well as policy BAE NP3 of the Neighbourhood Plan.

(d) Design and Layout (full application)

76. Policy SP6 of the Local Plan requires good design. Policy BAE NP1 of the Neighbourhood Plan also seeks high quality design that responds to the heritage and distinctive characteristics of each area.
77. The development would be largely inward looking, with only a small number of dwellings facing outwards, and these would look out upon the hedgerow to the north of the site, with the existing woodland to the north-east of these properties.
78. Plots 1-6 would perhaps be the most visible dwellings within the scheme – and these would consist of two blocks of three terraced properties. These are shown as being constructed of black weatherboarding, and clay tiles. Whilst the dwellings would have a relatively rural character, they would not be read as rural buildings, and they do not relate to the prevailing character of the locality.

79. Other properties within the site – for example plots 11 – 13 have large roof slopes which are significantly larger than those within the immediate vicinity.
80. I consider that whilst individually the buildings are not poorly designed, they do not respond positively to the prevailing character and appearance of the locality.
81. The Planning Inspector previously compared the proposed development of the southern part of the site with the existing development on Sandhurst Lane. The Inspector concluded that the existing development was generally traditional in construction and detailing, set back from the road and included bungalows and two storey detached dwellings. The Inspector found that the proposed development would not be consistent with the local character of the existing built form and therefore was not acceptable. The scheme currently being considered in the southern part of the site is identical to the appeal scheme that was dismissed and the appeal decision holds significant weight. In line with the inspector's decision I would agree that whilst the proposals (in full) are not inherently ugly and they may create a sense of place in their own right, the development proposed is not consistent with the prevailing character of the area and therefore would fail to comply with policy SP6 of the Local Plan and BAE NP1 (a) of the Neighbourhood Plan.

(e) Impact on the Setting of Heritage Assets

82. Policy ENV13 states that 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.
83. Policy BAE NP1 (b) also states that development will be supported if it would protect and enhance heritage assets and their settings. The policy specifically mentions Lenacre Hall Farmhouse which is the closest listed building to the site. The building is Grade II listed.
84. Lenacre Hall Farm would not be physically impacted by the proposed development. Given the distance from the development proposed to the south, together with its generous curtilage and the fact an appropriate landscape buffer could be worked into the layout to the north of the site I consider that that the impact of the development on its setting would be less than substantial in NPPF terms and the impact would therefore be acceptable. The development would therefore comply with policy ENV13 of the Ashford Local Plan and policy BAE NP1 (b) of the neighbourhood plan that seeks to avoid harm to the setting of heritage assets.

85. Policy ENV15 of the local plan outlines that the archaeological and historic integrity of important archaeological sites together with their settings will be protected and where possible enhanced. Kent County Council have been consulted and have confirmed that archaeological issues can be appropriately addressed through condition.

(f) Impact on Residential Amenity

86. In terms of the southern portion of the site, the nearest existing residential properties are located on Sandyhurst Lane. Satisfactory distances would be maintained between the proposed and existing dwellings. Taking this and the proposals for landscaping into account, I am satisfied that the development of the site could be achieved without causing demonstrable harm to the amenities of existing neighbours through loss of privacy, loss of light, immediate outlook or by having an overbearing presence and that the amenity relationships between proposed new homes would, similarly, be acceptable.
87. In determining the associated appeal relating to the site the Planning Inspector similarly raised no concerns in relation to residential amenity. Further, should planning permission be granted I am satisfied that the layout for the remainder of the site could be appropriately configured to ensure no additional negative impact upon existing residents or future occupiers would occur.

The increase in vehicular activity associated with the proposed development is one that I do not consider to result in any demonstrable harm through undue noise and disturbance. I am therefore satisfied that there would be no adverse noise effects resulting from the increased traffic movements associated with the proposed development.

88. The NPPF requires Local Planning Authorities to plan to create safe, accessible environments and to promote inclusion and community cohesion. Policies HOU12, HOU14 and HOU15 are therefore relevant as these deal with residential space and accessibility standards as well as ensuring the provision of private external space.
89. Gardens to new homes are proposed to be provided to a size which would comply with or exceed the Council's Residential Space and Layout SPD. The internal accommodation being proposed would similarly comply or exceed the National Space Standards and would be acceptable.
90. Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers.

(g) impact of the development highway safety and approach to parking

91. Criterion (c) of policy HOU5 seeks to ensure that development is able to be safely accessed from the local road network and that the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area.
92. The application has been subject to consultation with Kent Highways and Transportation (KH&T). In the latest comments received, KH&T confirm that initial concerns have now been overcome by the provision of increased visitor parking provision, the reduction in the width of the access to prevent any obstructive parking, the provision of soft landscaping to help prevent any obstructive car parking within the site and the provision of rear access gates to all terraced properties.
93. With regards to parking in the southern section of the site, all of the proposed dwellings would benefit from allocated parking and 8 of the properties would have garages that would be an 'additional parking resource' as per the Council's adopted Residential Parking SPD.
94. A total of 16 visitor parking spaces have been provided across the site. This amount of parking would also comply with the adopted SPD.
95. The applicant also proposes the provision of cycle storage facilities that could be secured by a planning condition.
96. In addition to parking, a useable layout sufficient for turning in order to allow standard vehicles to enter and exit the site in a forward gear has also been provided. The road has been tracked and shown to be able to accommodate a refuse collection vehicle with adequate on-site turning available so that this type of large vehicle could exit the site in forward gear.
97. With regards to the part of the scheme that is currently in outline, KH&T further raise no objections but request a number of conditions /obligations to ensure that appropriate visibility splays are maintained, the emergency access is completed at the right time and the proposed works to widen the Sandyhurst Lane arm of the Sandyhurst Lane/Faversham Road is also completed. In addition a financial contribution is sought for £35,000 to pay for road infrastructure enhancements at the junction of Trinity Road/Faversham Road. These enhancements would be necessary in order to reduce delays in peak periods.

98. For the reasons set out above, subject to appropriate conditions and obligations I am satisfied that the proposed development would not be harmful to highway safety, and would accord with criterion (c) of policy HOU5 as well as TR3a, TRA5 and TRA6.

(h) Ecology and Biodiversity

99. The proposed development offers ecological enhancements and the retention of the existing boundary treatments. Further, additional landscaping would help to provide enhanced habitats and wildlife corridors throughout the site.
100. Following consultation with KCC Ecology and Biodiversity, I consider that ecological and biodiversity issues can be subsequently mitigated through the use of planning conditions.
101. Further, the Planning Inspector considered the issue of biodiversity in dealing with the recent appeal at this site and concluded that the proposed development would not have a harmful effect on biodiversity and would not be contrary to policies HOU5 (e), (f) vi) or ENV5 which, in part seek to protect important rural features, wildlife habitats and the natural environment and enhance biodiversity interests on the site.
102. The proposed development would result in the loss of 7 trees, 2 groups, 1 hedge and 1 area of scrub. 8 groups, 1 hedge, and 1 scrub area will require partial removal. In addition to this, the development will incur into the RPA of the 5 Individual trees, 5 groups and 1 hedge.
103. While there are several tree removals proposed, and several partial removals to facilitate the proposed development, most of the trees to be removed have been categorised as grade C. Of the remaining trees to be removed only 1 individual tree and 1 group to be removed are categorised as grade B. In addition, the removals are limited to trees/groups/hedges that are located generally within the interior of the site, with only a few instances of partial removal on the boundaries. Compensatory planting is proposed throughout the development which is appropriate.

(i) Flooding, drainage and contamination

104. The site is located within flood zone 1 which is the lowest possible flood risk zone. The submitted site specific flood risk assessment demonstrates that there is no significant risk of fluvial flooding. In addition the risk from surface water runoff, sewer flooding, and groundwater flooding is also considered to be low.
105. The proposed SuDS and drainage strategy demonstrates that appropriate surface water management arrangements can be incorporated within the proposed development so that there would not be any increase in flood risk either on or off site for a range of storm events up to the 1 in 100 year event (1% annual probability) including an allowance of 40% for climate change.



106. The proposed system has been subject to consultation with KCC Flood and Water Management and the Council's Project Delivery Engineer neither of whom have raised any objection to the proposals. Whilst a detailed drainage strategy has not been provided at this stage (and would be secured by planning condition), it is considered that appropriate mitigation and SuDs would be able to be achieved. I therefore consider that the proposals would meet the requirements of policies ENV6 and ENV9 as well as the requirements of the NPPF and its Planning Practice guidance and would therefore be acceptable in terms of flood risk.

107. In respect of contamination, a phase 1 Desk Top study has been completed and recommends further investigation to be secured by planning condition. This view is endorsed by the Council's Environmental Health Officer who recommends that conditions are attached to any grant of planning permission with respect of the investigating and reporting of contamination, a code of construction practice, light pollution and the provision of electrical charging points. I consider such conditions to be reasonable to mitigate any concerns.

(j) Housing Mix, Affordable Housing & Self Build

108. The tenure mix across the southern part of the development would comprise x 5 two-bedroom dwellings, x 8 three-bedroom dwellings, x 6 four-bedroom dwellings and x 2 five-bedroom dwellings. This represents a reasonable housing mix for this location and I consider it meets the requirements of policy HOU18.

109. Policy HOU1 of that Plan seeks the provision of 30% affordable housing within the Ashford Hinterlands and 40% within the rest of the Borough (with the exception of the town centre). The boundary that denotes whether the site falls within the hinterland or the rural area essentially cuts through the application site so the southern side requires 40% affordable and the northern part 30%. Notwithstanding this the applicant has confirmed that affordable housing would be provided at 40% across the whole site. Should planning permission be granted affordable housing would be secured through a s.106 agreement.

110. Policy HOU6 requires all developments within and on the edge of Ashford delivering more than 40 dwellings to supply no less than 5% of serviced plots for sale to self or custom builders. No self build plots are proposed and as such the proposals fail to comply with policy HOU6.

(k) The effect on the Stodmarsh European designated site

111. The Council received advice from Natural England (NE) during the course of 2020 that increasing levels of nitrates and phosphates at the nationally and internationally-designated protected sites at Stodmarsh lakes, east of Canterbury, are having an adverse effect on the integrity of the habitat of those lakes.
112. In consequence, NE advised, in line with the well-established precautionary principle, that applications for certain types of development – including housing – within the Stour river catchment, and/or which discharge to particular Waste Water Treatment Works within the catchment, should be the subject of an Appropriate Assessment prior to any decision to grant planning permission, because it is not presently possible to conclude that such types of development would not have a likely significant effect on the designated sites.
113. Regulation 63(5) of those Regulations provides that: “In the light of the conclusions of the assessment, and subject to regulation 64 [which does not apply], the competent authority may agree to the plan or project [i.e. grant planning permission] only after having ascertained that it will not adversely affect the integrity of the European site ....”
114. The Council must therefore need to be satisfied that there is no adverse effect on integrity on the designated sites, and that the mitigation measures necessary to achieve that outcome have been robustly and fully secured.
115. At the time of writing this report, the applicant has not submitted a Habitat Regulations Assessment (HRA). As such, and in line with NE advice, I have to conclude that the proposed development would lead to a ‘likely significant (adverse) effect’ on the integrity of the habitat of the Stodmarsh Lakes. The proposals would therefore fail to comply with Policy ENV1.
- (l) The application proposals in relation to the Borough’s 5 year housing land supply
116. The Council can currently demonstrate a 4.8 years supply of land for housing, which includes a 5% buffer.
117. Given that a five year supply of housing land cannot be demonstrated and is therefore a material consideration, ordinarily the tilted balance in paragraph 11(d) of the NPPF applies.
118. This states that for decision taking,

*..where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this*

*includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer), granting permission unless:*

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

119. However, in the circumstances of this particular case at the current time in fact the 'tilted balance' does not apply due to the effect of Reg. 63(5) (detailed in the preceding section of this report).
120. NPPF footnote 7 and para. 181 provide, collectively, that the tilted balance only applies if and when an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the protected site in question – in this case, Stodmarsh lakes. At present, this is not the case – and thus, under Reg. 63(5), it would not currently be lawful to grant permission in any event.
121. Only when, an appropriate assessment is carried out, and if the Council as the competent authority then concludes that the proposal will not adversely affect the integrity of Stodmarsh in the light of that Assessment, would the tilted balance apply. As identified further above, the applicant has not submitted an HRA for consideration.
122. Even when circumstances trigger the tilted balance, Development Plan policies are relevant to the balancing exercise to be carried out under para. 11(d) - see the Court of Appeal judgment in *Gladman Developments v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 1047 at [39]-[42].
123. The fact that policies may be deemed out of date under para. 11(d) does not dictate the weight to be applied to those policies, nor the weight to be given to any conflicts with those policies – those are matters of planning judgment for the decision-maker (*Gladman* at [38]).
124. In coming to a conclusion on the weight to be given to Development Plan policies, there is nothing in NPPF footnote 8 or paragraph 11(d) that dictates the issue of weight - it is a matter for the decision-maker (*Gladman* at [40]). If the relevant policy remains consistent with national policy, then there is little reason to give anything but full weight to the policy. There is no dispute that

policies SP1, SP2, SP6, ENV1, ENV3a, HOU5, HOU6, BAE NP1 & BAE NP3 remain consistent with national policy and so in my opinion they should be given great weight in any event.

125. In conclusion, I do not consider that the harms arising from this proposal would be outweighed by the fact that the proposal would make a contribution towards the small shortfall of 0.2 years in the supply of land for housing.

### **Planning Obligations**

126. 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
127. Whilst my recommendation is that planning permission should be refused and therefore it is my view that planning obligations would not be sufficient to overcome the harm already identified, should an appeal be lodged against a refusal of planning permission the Council would need to be set out what mitigation would need to be secured.
128. I recommend the planning obligations set out in Table 1 be required in the event of an appeal (or should Members reach a contrary view to my Recommendation set out further below). It should be noted that the figures used in Table 1 are derived from the last consultation responses and so would need to be revisited if a s.106 agreement was to be taken forward to secure development impact mitigation.
129. Notwithstanding this, in the absence of a unilateral undertaking at the time of drafting this report, the proposal would fail to secure the mitigation that would be necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and, therefore, the proposal is contrary to Policies COM1, COM2, COM3, HOU1, IMP1 and IMP4 of the ALP 2030 although I am confident that this could be overcome in the event of an appeal.

**Table 1**

**Heads of Terms for Section 106 Agreement/Undertaking**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts (s)	Trigger Points (s)	
<b>Potentially applies to any size/scale of residential development</b>				
	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: On site provision in accordance with the adopted Public Green Spaces SPD</p>	<p>£362 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as informal/natural green space is 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, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>

<b>Applies to sites of 10 dwellings or more or 0.5ha or over</b>			
<p><b><u>Affordable Housing</u></b></p> <p>In accordance with Policy HOU1 to provide:</p> <p><b><u>Rest of Borough (Zone C)</u></b></p> <ul style="list-style-type: none"> <li>- 10% of the total dwellings made available for affordable or social rent</li> <li>- 30% of the total dwellings made available for home ownership including a minimum of 10% for shared ownership.</li> </ul> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council. Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>	<p>40%</p> <p>In accordance with the table in policy HOU1</p>	<p>Affordable units to be constructed and transferred to a registered provider before occupation of 75% of the general market housing units.</p>	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to SP1, HOU1 of Local Plan 2030 the Affordable Housing SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
<p><b><u>Accessibility Standards</u></b></p>			<p><b>Necessary</b> to ensure the provision of housing for people</p>

	At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.	Provide on site 20% of all units	N/A	<p>with specific housing needs pursuant to SP1 and HOU14(a) of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as the accessible housing would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
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**Applies to sites of 11 dwellings or more**

<b>Planning Obligation</b>			<b>Regulation 122 Assessment</b>
<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards the community wellbeing hub upgrade at Braethorpe.</p>	<p>£47.06 per dwelling</p> <p>To be index linked</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community facilities and assistive technology services and the facilities and services to be</p>

				<p>funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b>                  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>
	<p><b><u>Youth</u></b>                  Project: Towards additional youth sessions and staff.</p>	<p>£27.91 per dwelling                  Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan policies SP1, COM1, IMP1, KCC document 'Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably</b></p>



				<p><b>related in scale and kind</b>                  considering the extent of the development because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
	<p><b><u>Allotments</u></b>                   Capital contribution towards existing allotments and/or community garden within the Parish, to provide a qualitative improvement, and/or provision of new allotments.</p>	<p>£258 per dwelling for capital costs                   £66 per dwelling for maintenance                   Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b>                  considering the extent of the development and</p>

				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><b><u>Children's and Young People's Play Space</u></b></p> <p>Off site project to be confirmed.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as children's and young people's play space is 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, Public Green Spaces and Water Environment SPD, and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and</p>

				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><b><u>Community Learning</u></b></p> <p>Project: Ashford Gateway to facilitate additional learners.</p>	<p>£34.45 per dwelling</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>

	<p><b><u>Health Care</u></b></p> <p>Project: Towards refurbishment, reconfiguration and/or extension to primary care premises within Ashford Stour PCN.</p>	<p>£ to be confirmed.</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p>£48.02 per dwelling</p> <p>Plus indexation</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

				<p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>
	<p><b><u>Indoor Sports Pitches</u></b></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030</p>	<p>£543.51 per dwelling for capital costs                  No maintenance cost</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as additional indoor sports facilities are required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use indoor sports provision and the buildings provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of</p>

				occupiers and the extent of the facilities.
	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030</p>	<p>£872.00 per dwelling for capital costs</p> <p>£518.86 per dwelling for maintenance</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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 COM1, COM2, IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>

	<p><b><u>Primary Schools</u></b></p> <p>Project: To be confirmed.</p>	<p>£1134 per applicable flat</p> <p>£4535 per applicable house</p> <p>Plus indexation</p> <p>'Applicable' excludes 1 bed units of less than 56 sqm GIA</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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 sheltered accommodation specifically for the elderly.</p>
	<p><b><u>Secondary Schools</u></b></p> <p>Project: To be</p>	<p>£1172 per</p>	<p>Half the contribution</p>	<p><b>Necessary</b> as no spare capacity at any secondary</p>

	<p>confirmed.</p>	<p>applicable flat</p> <p>£4687 per applicable house</p> <p>Plus indexation</p> <p>'Applicable' excludes 1 bed units of less than 56 sqm GIA</p>	<p>upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>	<p>school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1, 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><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings or sheltered accommodation</p>
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				specifically for the elderly.
	<p><b><u>Strategic Parks</u></b></p> <p>Contribution towards strategic park provision to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> 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, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> 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>
	<p><b><u>Voluntary Sector</u></b></p> <p>The contribution will be</p>	<p>£87per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as enhanced voluntary sector</p>

	<p>for aspects of volunteering in Ashford town centre which relate to the arts and culture sector.</p>	<p>Plus indexation</p>		<p>services needed to meet the demand that would be generated pursuant to Local Plan 2030 policies SP1, COM1, IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use the voluntary sector and the additional services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<p><b><u>Arts sector</u></b>                  Project to be confirmed.</p>	<p>£338.40 per dwelling for capital costs                  Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.</p> <p><b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.</p> <p><b>Fairly and reasonably related in scale</b></p>

				<b>and kind</b> considering the extent of the development.
	<p><b><u>Local Highways</u></b></p> <p>Completion and maintenance of the emergency access shown on drawing 2722-1000G (To adoptable standard – S38 agreement)</p> <p>To enter into a S278 agreement with KH&amp;T and works to be completed to widen the Sandyhurst Lane arm of the Sandyhurst Lane/Faversham Road - shown on drawing 17-0343-C21101 REV D.</p> <p>MOVA mitigation scheme at junction of Trinity Road/Faversham Road.</p>	<p>£35,000</p> <p>Plus indexation</p>	<p>Prior to the occupation of the 50<sup>th</sup> dwelling.</p> <p>Prior to the occupation of the 22<sup>nd</sup> dwelling</p> <p>Prior to the occupation of the 22<sup>nd</sup> dwelling.</p>	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1 (and any relevant site policies), KCC Highways guidance and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>
	<p><b><u>Public Footpath</u></b></p> <p>Upgrade of the surface of existing footpath AE207 to an appropriate standard for 150m from Lenacre Street to a width of 2m.</p>	<p>£15,000</p> <p>Plus indexation</p>	<p>Upon occupation of 75% of the dwellings</p>	<p><b>Necessary</b> as the proposal will generate an increase in use of movement paths and Public Rights of Way. Ashford Local Plan 2030 policies S2, COM1 and IMP1 in order to meet the needs of the occupiers. Meeting everyday</p>

				<p>movement needs in a manner that offers sustainable benefits and reduces the need for car travel is in accordance with the NPPF.</p> <p><b>Directly related</b> as occupiers of the proposed homes at the development site, will use the footpath.</p>
	<p><b><u>Custom/Self Build</u></b></p> <p>Applies to sites of more than 40 dwellings within and on the edge of Ashford and Tenterden</p>	<p>5% as serviced dwelling plots</p>	<p>NA</p>	<p><b>Necessary</b> as would provide housing for those who are on the Right to Build register (Ashford Self and custom build register) pursuant to <b>HOU6</b> of Local Plan 2030 and guidance in the NPPF and Community Infrastructure Levy Regulations.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p>
	<p><b><u>Governance of</u></b></p>			

	<p><b><u>informal green space onsite</u></b></p> <p>Scheme for ongoing management to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	<p>NA</p>	<p>Scheme to be approved before construction of any dwelling above foundation level.</p> <p>Scheme to be implemented for each dwelling before its occupation.</p> <p>Areas to be transferred to approved management entity and funding/endowment secured, before occupation of more than 50% of the dwellings.</p>	<p><b>Necessary</b> as onsite public or community space is needed to meet site-specific requirements generated from the development and needs to be effectively and sustainably managed pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use this space and the space to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and taking into account the number of users and is based on good practice stewardship arrangements.</p>

	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years.</p>	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

130. 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

131. 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

132. The site is not allocated for development in the adopted development plan.
133. I have no objection to the proposal in terms of the ability to meet criterion HOU5(a) the current scale of existing services provision in Ashford would be suitable to meet the needs arising from the proposal. The site would be within easy walking distance of basic day to day services and so would satisfy criterion (b) of Policy HOU5 of the ALP 2030.
134. The scheme would not give rise to any unacceptable harm to residential amenity for existing or future occupiers and would provide a policy compliant number of parking spaces and cycle storage with EV charging points available for electric vehicles. Additional traffic movements would be mitigated through highway improvements that would be secured through an agreement pursuant to s.106 of the Act if planning permission were to be granted.
135. I conclude that the proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the ALP 2030 as well as policies BAE NP1 and BAE NP3 of the newly adopted Boughton Aluph and Eastwell Neighbourhood Plan in that the proposals would involve a large scale residential development on undeveloped land forming part of a strong rural edge that, in its undeveloped state, contributes positively to the landscape setting. The proposals, by virtue of their scale, form and intensity would not sit sympathetically within the wider landscape, would not preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area. Landscape setting and edge character is an important element of the Neighbourhood Plan that has only recently been adopted.
136. The development would have a negligible impact upon the setting of the nearby listed building (Lenacre Hall Farm). I am therefore satisfied that the scheme accords with policies ENV13 of the Local Plan. Archaeology could also be appropriately dealt with by condition.
137. There would be no material harm to neighbouring or future occupiers' amenities, or adverse impacts on highway safety. Ecological mitigation and enhancements on site are considered to be acceptable, the development would also require some small-scale removal of trees however the development would include the planting of new trees and areas of mixed native shrubs, compensating for the this loss and further aiding biodiversity.

138. In terms of flooding, drainage and contamination, I am satisfied that subject to conditions, the site could be developed in an acceptable way. I am therefore satisfied that the proposal accords with policies ENV6 and ENV9 of the Local Plan.
139. There are no self or custom build plots proposed and therefore the proposals fail to comply with policy HOU6.
140. The development does not propose any mitigation against the further deterioration of the water quality of the Stodmarsh European designated sites and would therefore fail to comply with policy ENV1 of the Local Plan which deals with issues of biodiversity.
141. Although the Council cannot demonstrate a current 5 year housing land supply only when an appropriate assessment has been carried out under the Habitat Regulations, and if the Council as the competent authority then concludes that the proposal would not adversely affect the integrity of Stodmarsh, would the tilted balance would apply and as I have identified above, the proposal would give rise to planning harm in terms of impacts on the landscape and character of the edge to this part of Ashford and I do not consider that that these would be outweighed by the benefits of housing development taking into account the extent of the housing land supply shortfall.

## **Recommendation**

### **(B) Refuse**

on the following grounds:

(a) The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU6, IMP1, IMP4, COM1, COM2, COM3, ENV1, ENV3a and ENV8 of the Ashford Local Plan 2030, policies BAE NP1 & BAE NP3 of the Boughton Aluph and Eastwell Parishes Neighbourhood Plan 2021 and to central government guidance contained in the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

(a) The location of development proposed lying outside the established settlement edge together with its scale would have a significant adverse urbanising impact on the open countryside, out of character with the adjoining rural settlement character. The development would therefore be unacceptably harmful to the visual amenity of the area.



(b) Insufficient information has been submitted to allow a full assessment of the implications of the proposed development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat. In the absence of this information the Local Planning Authority is unable to determine the impact of the development upon the water quality and its impact upon the Stodmarsh designated site's protected habitats and species, as required by the Conservation of Habitats and Species Regulations (2017 as amended). The proposal would therefore be harmful to matters of national and international ecological importance. The scheme would therefore be contrary to the provisions of Policy ENV1 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

(c) The proposed scheme makes no provision for housing for self or custom builders and is therefore contrary to the provisions of Policy HOU6 of the Ashford Local Plan 2030 and the National Planning Policy Framework.

(d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

- Affordable housing
- Primary school education
- Secondary school education
- Libraries
- Sports – outdoor pitches
- Sports – indoor
- Informal/natural space project
- Children's and young people's play project
- Allotments provision
- Strategic parks project
- Healthcare improvements
- Highways improvements
- Improvements to the public right of way network
- Voluntary sector
- Arts
- Community learning
- Youth services
- Social Care
- Self and custom build development
- Monitoring fee

### **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 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](http://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 17/01613/AS)

**Contact Officer:** Alex Stafford  
**Email:** alex.stafford@ashford.gov.uk  
**Telephone:** (01233) 330248

Annex 1

