

- a) **DOV/16/00800 – Outline application for the erection of 104 residential dwellings with associated commercial (B1) and nursery (D1) units, hard and soft landscaping, and associated infrastructure (all matters reserved except access) - Land off Sandwich Road, Ash**

**Reason for report:** Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be granted.

- c) **Planning Policies and Guidance**

Core Strategy Policies

- CP1 – The location and scale of development in the District must comply with the Settlement Hierarchy. Ash is a Local Centre, which is the secondary focus for development in the rural area; suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities.
- CP3 – Of the 14,000 houses identified by the plan 1,200 (around 8%) is identified for the rural area.
- CP4 - Developments of 10 or more dwellings should identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which they are located and development an appropriate mix of housing mix and design. Density will be determined through the design process, but should wherever possible exceed 40dph and will seldom be justified to less than 30dph.
- CP6 – Development which generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.
- DM1 – Development will not be permitted outside of the settlement confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses.
- DM5 – Development for 15 or more dwellings will be expected to provide 30% affordable housing at the site, in home types that will address prioritised need.
- DM11 – Development that would generate high levels of travel will only be permitted within the urban areas in locations that are, or can be made to be, well served by a range of means of transport.
- DM13 – Parking provision should be design-led, based upon an area's characteristics, the nature of the development and design objectives, having regard for the guidance in Table 1.1 of the Core Strategy.
- DM15 – Development which would result in the loss of, or adversely affect the character and appearance of the countryside will not normally be permitted.
- DM16 – Development that would harm the character of the landscape will only be permitted if it is in accordance with allocations made in Development Plan Documents and incorporates any necessary avoidance and mitigation measures or it can be sited to avoid or reduce harm and incorporate design measures to mitigate impacts to an acceptable level.

#### Land Allocations Local Plan

- DM27 - Residential development of five or more dwellings will be required to provide or contribute towards the provision of open space, unless existing provision within the relevant accessibility standard has sufficient capacity to accommodate this additional demand.

#### National Planning Policy Framework (NPPF)

- Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, specific policies in the NPPF indicate that development should be restricted.
- Paragraph 49 of the NPPF states that "housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of housing sites.
- The NPPF has 12 core principles which, amongst other things, seeks to: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; secure high quality design and a good standard of amenity for all existing and future occupants and buildings; take account of the different roles and characters of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside; and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- Chapter four of the NPPF seeks to promote sustainable transport. In particular, paragraph 29 states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".
- Chapter six of the NPPF seeks to significantly boost the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.
- Chapter seven requires good design, which is a key aspect of sustainable development.
- Chapter twelve requires that development has regard for its impact on the significance of heritage assets and their settings.

#### The Kent Design Guide (KDG)

- The Guide provides criteria and advice on providing well designed development.

#### d) **Relevant Planning History**

It is not considered that there is any planning history which is directly relevant to the determination of the current application.

e) **Consultee and Third Party Responses**

Environmental Health – The application is supported by a Phase 1 Environmental Report, which recommends further intrusive investigations. It is recommended that any permission is accompanied by a condition requiring such on-site investigation and, as necessary, remediation.

The application has also been supported by a noise report. Non-opening windows with mechanical ventilation, together with a perimeter fence have been proposed to mitigate road noise. These should be secured by condition and should be constructed such that they would accord with building regulations and environmental health criteria.

A condition should be attached to any grant of permission requiring the submission of a construction management plan, whilst the hours of construction should be managed. There should be no burning of material on site.

Natural England – Subject to avoidance and mitigation measures, no objection is raised to the development in respect of its impact on national and internationally designated sites. Furthermore, the development is unlikely to have a significant effect on any European Site, whilst the applicant has agreed to make the appropriate financial contribution to the Thanet Coast mitigation Strategy. The development will not damage or destroy SSSI interest features. The developments impact on protected species should be assessed having regard for Natural England's Standing Advice.

Southern Water – Southern Water cannot accommodate the needs of the development without the development providing additional local infrastructure. As such, it is requested that a condition be attached to any grant of permission requiring full details of a drainage strategy, together with a timetable for its implementation to be submitted to and approved by the local planning authority.

It might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity and the work was carried out at the developers expense to the satisfaction of Southern Water. A condition should be attached to any grant of permission requiring details of measures to protect and divert the public sewers.

Southern Water supports the use of sustainable urban drainage systems, subject to being satisfactorily designed.

There should be no dwellings within 15m of the boundary of the existing pumping station, to ensure that they are not unacceptably impacted by noise, vibration or odour.

Southern Water can provide a water supply to the site.

KCC Highways – Initial advice received on 3<sup>rd</sup> August 2016:

A holding objection has been placed until matters of concern have been resolved. These matters are: count, speed and crash data for Sandwich Road; revision of the TRICS data relied upon; review and clarification of the distribution of traffic figures; assessment of the impact of the development on the Sandwich Road/A257 and A257/A256 junctions; demonstration that adequate visibility can be achieved; and proposals for the relocation of bus stops.

Further advice received 7<sup>th</sup> October 2016:

- Crash data has still not been submitted
- It would be appropriate to extend the 30mph zone to near the junction of Sandwich Road with the A257. The development should pay for these works, including signage and gateway features, which should be shown.

- Given the submission of an application for 90 dwellings at land at Chequer Lane, a combined impact assessment should be submitted.
- The proposed relocated bus stop should be moved further to the east.

Further advice received 19<sup>th</sup> December 2016:

I refer to the additional information submitted for the above and confirm the proposals are now acceptable. The proposals are likely to generate around 90-100 two-way vehicle movements in each of the network peak hours, however some of these movements (those associated with the proposed nursery) are already likely to be on the network as children are already being taken from the village to nurseries elsewhere. Bearing in mind the proximity of the site to the A257 the vast majority of movements are likely to be to and from this road. The impact of the proposals at the junction of Sandwich Road with the A257 has been assessed and is acceptable, with the junction still operating within capacity with the addition of the development. The A257/A256 roundabout junction has also been assessed and the impact of the additional development traffic is also acceptable.

Whilst there may be some vehicle trips from the development through the village to/from the school, these will not add to existing school trips as they will replace current trips by parents from further afield when school places are given to children living in the new development. Some children from the development may also be walked to and from school. There may also be some trips between the site and other services/amenities in the village but these are readily accessible by non-car modes and the number of these trips being done by vehicle is not anticipated to be significant or have a severe impact.

The proposed access arrangements are acceptable with suitable visibility being provided. The existing bus stop on the north side of Sandwich Road will be relocated to the east so that it is clear of the proposed access junction. A new footway connecting to the existing network will be provided along the site frontage up to the existing easternmost bus stop and a separate pedestrian/cycle/emergency services access from Sandwich Road is also provided towards the eastern end of the site. These works within the existing highway will be carried out by the developer under a s.278 agreement with the highway authority and include extension of the existing 30 mph speed limit eastwards to encompass the development. The proposed highway alterations have been subject to an independent safety audit.

Refusal on highway grounds is not, therefore recommended, subject to the following conditions:

- Provision of measures to prevent the discharge of surface water onto the highway.
- Use of a bound surface for the first 5 metres of private accesses from the edge of the highway.
- Provision and permanent retention of vehicle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Completion of the accesses and associated alterations to Sandwich Road shown on the submitted plans or amended as agreed with the Local Planning Authority, prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
  - (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing.
- Construction Management Plan to include the following:
  - (a) Routing of vehicles to/from the site
  - (b) Timing of HGV movements
  - (c) Parking and turning facilities for delivery and site personnel vehicles
  - (d) Wheel washing facilities

Ash Parish Council – Object, for the following reasons:

- The site lies outside of the village confines
- The site is not allocated, whilst other sites have been allocated for over 200 homes following consultation
- Impact on the local highway network
- Insufficient sewerage and drainage infrastructure
- Use of agricultural land
- Impact of the development on the viability of allocated sites

Kent Wildlife Trust - No objection. A contribution should be sought for the developments indirect impact on the Sandwich and Pegwell Bay SPA site. The existing field margins should be protected and enhanced. It is recommended that Dover District Council should seek clarification from Aspect Ecology for the lack of a breeding bird survey. Based upon Natural England Standing Advice, the desk study species records and the habitats identified on site during the Ecological Appraisal, this should have been provided. We would suggest that this should be carried out in order to properly inform mitigation measures. We would also recommend that a Lighting Strategy should be conditioned in order to avoid impact on bats, birds and invertebrates at existing field margins and hedgerows.

Southern Gas Networks – No comments

Environment Agency – No objection. The inclusion of SUD's features are welcomed, although above ground features are preferred to underground or pumped solutions. The details of the proposed system should be agreed by the local planning authority.

Any contaminated soils encountered should be disposed of as controlled waste.

KCC Lead Local Flood Authority – The principle of surface water drainage should be established at the outset. The submitted Flood Risk Assessment and Preliminary Surface Water Drainage Strategy achieves this, demonstrating that surface water can be accommodated and disposed of in a manner that seeks to mimic the runoff from the existing site. This strategy should be refined at the detailed design stage. It is recommended that, should permission be granted, a condition should be attached requiring full details of the surface water drainage strategy to be submitted and that no dwelling shall be occupied until details and a timetable for implementation have been agreed.

Highways England – No objection.

Kent County Council Contributions – The development would give rise to additional demand for facilities and service which would require mitigation. In summary, this mitigation comprises: £245,539.84 towards Phase 1 of the new school at Discovery Park; £245,419.20 towards the first phase of expansion at Sir Roger Manwood Secondary School; £2,666.56 towards portable equipment for the new learners classes within the local area; £4,994.08 towards Ash library for shelving and stock; £8,073.52 towards Sandwich Age UK. In addition it is recommended that one of the on-site affordable houses is wheelchair adaptable and that the new houses are provided with high speed fibre optic broadband.

NHS CCG – The GP surgery in the village is at capacity and requires enlargement to meet the needs of the development. A project for this expansion has been identified which would have a total cost of £78,660 and would increase the capacity of the surgery by 1000 patients. The development would give rise to an estimated additional 286 patients and, as such, a proportionate contribution for this project from this application would be £22,497.

Kent County Council Public Rights of Way – No objection; however, comments are made regarding ensuring the proposed lagoon does not impact on the public bridleway and the need for the provision of a safe crossing facility of the A257 and safe footpaths. Comments are also made regarding ensuring that the development does not harm the PRoW during development or by virtue of planting.

Rural Planning Consultant – The development includes the loss of 5.73ha of agricultural land. No Agricultural Land Classification Study has been submitted with this application; however, the site has been provisionally mapped as being Grade 1 (excellent quality). Whilst the applicant has contended that the drainage of the site is poor, in the absence of definitive evidence, it is fair to assume that the site's provisional Grade 1 status is correct. The land is therefore Best and Most Versatile Agricultural Land (BMV). The NPPF states that "112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".

The area of land that would be lost in this particular case is not particularly extensive, and as indicated in the submissions, the land is a discrete parcel, being bounded by the A257 to the north, Sandwich Road to the east and south, and by a hard surfaced public footpath to the west (albeit with open agricultural land beyond that). However losses of individual smaller parcels can accumulate and I do not agree with the submitted Planning Statement's suggestion that the land is a particularly difficult shape for agricultural cultivation and use. Aerial imagery shows many similar sized, irregularly shaped yet productive individual parcels of agricultural land in the area.

The Planning Statement's assertion that the site "does not represent a viable commercial proposition" (as agricultural land) is not supported by any evidence; if the suggestion is that the land is not a viable unit on its own, that would not be a relevant consideration in terms of Planning Policy relating to loss of BMV land. As indicated above, local authorities may still attribute significance to the loss of smaller areas.

In conclusion, therefore, as matters stand I consider it would be fair to conclude that the development would involve a significant loss of BMV agricultural land in this case. It would be for the Council to consider the weight to be given to this particular issue within the overall balance, including whether the loss has been shown to be "necessary" in accordance with the criteria in para 112

Further advice has been received following consideration of a submitted Agricultural Land Classification Study, it is agreed that the site is 5.6ha, of which 3.2 ha (57 %) is excellent

quality and 2.2ha (39%) is very good quality (i.e. 5.4 ha of Grade 1 and Grade 2 BMV land), leaving just 0.2 ha (4%) poor quality, non-BMV land.

DDC Arboricultural Officer – No objections

DDC Principal Ecologist – The site is predominantly an arable field with limited biodiversity interest. Boundary hedgerows are present which will support greater biodiversity and while it is noted that these will be retained, that bounding the A257 is likely to be disturbed by development, due to it being overgrown. In that respect the comments by the Kent Wildlife Trust are noted. However, the species noted of amber conservation concern (Kestrel and Green Woodpecker) do not breed in the habitats presented on site and as the hedges are relatively young and do not appear to support features required for nesting by these species a breeding bird survey would be onerous. As long as adequate safeguarding of the hedges is conditioned such that any breeding bird species will not be adversely impacted, there is no constraint on development due to birds.

The low level of reptile activity is noted and it is considered that the proposals to deter reptiles from encroaching into development area are noted. However, there should be some demarcation of the site, such as by Heras fencing to prevent vehicular movement or storage of materials on those areas which reptiles may still frequent.

With respect to badgers, the ecology report considers signs of badgers on the site together with records for badgers in the locality. Given the absence of any signs on site and the distance from any recorded findings, it is considered that, notwithstanding the East Kent Badger Group comment, that badgers would not be a constraint to development here. However, given that badgers do change territory, a condition requiring an updated badger survey to be supplied at the time of submission of reserved matters would be appropriate.

The ecological report also mentions a number of enhancements. These should be taken forward through a condition.

DDC Principal Infrastructure Delivery Officer – The development would need to provide a contribution of £5,051.92 towards the Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy. The development will also need to provide Open Space, in accordance with policy DM27. Discussions have been ongoing with the applicants over the course of the application.

Based on the adopted standards in DM27, the development would give rise to a need for 0.57ha of accessible green space, 0.3ha of outdoor sports facilities, 0.016ha of children's equipped play space and 0.05ha of allotments/community gardens. The open space proposed on site exceeds the total overall space requirement and, as such, could meet the Open Space needs of the development, subject to a condition requiring full details of the Open Space (which should include an equipped play area and high quality landscaping, and should meet the need for outdoor sports facilities).

The development also gives rise to a need to increase the capacity of the GP surgery in the village. A proportionate contribution from this development has been calculated to be £22,497.

The contribution requests received from KCC are considered to be reasonable.

DDC Head of Strategic Housing – The provision of 33 affordable dwellings would adhere to the council's affordable housing policy; although there has been no contact from the applicant to discuss this provision.

DDC Principal Heritage Officer – The site sits within the setting of the Grade I Listed St Nicholas Church. In particular, the spire is visible from Sandwich Road, which is the historic route from Sandwich to Canterbury. Collar Makers Hole, a Grade II listed building is also close to the site, but would not be impacted by the development, as it is set back from the road and heavily screened. Equally, there would be no impact on the two conservations areas in the vicinity of the site.

Consequently, it is recommended that the reserved matters ensures that the setting of the Grade I listed church is protected with consideration given to layout that ensures views are enhanced, and for the design, bulk and massing of the development and in particular the nursery building are sensitive to the rural setting of the church. It is recommended that the decision notice includes an informative to the effect that the illustrative layout is not considered to be acceptable in respect of impact on the setting of the church.

Kent Fire and Rescue – No observations to make

River Stour Internal Drainage Board - It is essential that post-development surface water runoff be restricted to no more than that of the predeveloped site, and that the receiving watercourse is of adequate capacity and condition. I therefore note and fully support the comments made by KCC's Flood Risk Project Officer on 12 August 2016, in particular that details of the SuDS and its future maintenance must be approved by the LPA in direct consultation with KCC's drainage and flood risk team and that offsite runoff be restricted to a maximum rate of 16.38l/s with onsite storage made available to accommodate the 1 in 100 year rainfall event plus Climate Change.

Stagecoach – Object. The level of information submitted with the application is disappointing. There are only two buses per hour past the site and not three as stated by the applicant. The existing bus shelter would likely be within the visibility splay of the access and, as such, should be relocated and upgraded as part of this application. Additional footpaths should also be provided to link the site to bus stops. Additional vehicle movements through the village would be likely to have a detrimental effect on the timekeeping of bus services.

KCC Archaeology – Whilst there are some shortcomings in the submitted archaeological report, it is sufficient to assess the developments potential impact on archaeology. The area is generally rich in archaeological remains, being adjacent to a Roman Road. It is therefore recommended that, should permission be granted, a condition is attached requiring that archaeological works take place in advance of development.

Public Representations – 112 letters of objection have been received, raising the following concerns:

- Increased traffic and congestion and harm to highway safety
- The development would harm the settings of listed buildings, including the Grade I Listed Church of St Nicholas
- Harm to the character and appearance of the area and of the countryside
- The development site is outside of the settlement confines
- Loss of tranquility
- There is no need for additional housing
- Light pollution
- Harm to wildlife and their habitats
- Increased pressure on local drainage and sewerage
- Other more preferable development sites exist (including allocated sites)
- The site is not sustainably located
- The development will impact upon PRow's
- The development will turn Ash from a village into a town



- Insufficient local facilities and services
- Loss of trees
- The development will impact upon archaeology
- There is no need for additional commercial floor space
- The site is poorly served by public transport.
- Harm to air quality
- Disruption during construction
- Noise and disturbance

The objection letters included a petition with 400 signatories.

In addition, 122 letters of support have been received, raising the following points:

- The site is in a highly sustainable location
- The site is of low aesthetic and ecological value
- This development would be deliverable
- Enhancement of the sites ecological value
- Provision of employment
- Provision of much needed affordable housing
- The development includes social infrastructure
- The scheme would provide a reasonable density of development
- Additional housing is much needed
- The site is well placed to minimize traffic impacts
- The scheme is of a high quality
- Provision of green space
- The development will attract new people to the village who will help to support existing facilities and services

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#### 1. **The Site and the Proposal**

- 1.1 The site lies to the south of the A257 which is a main road between Sandwich and Canterbury via Wingham. To the south east is Sandwich Road, the southern side of which is bounded by residential properties. To the west is No.44 Sandwich Road, a residential property, and to its north agricultural land. Between No.44, the agricultural land and the site is a public right of way (bridleway), the EE466.
- 1.2 The site is outside of the settlement confines of Ash, which terminate to the southern side of Sandwich Road and the eastern boundary of No.44 Sandwich road to the west. The site is not within any planning designation. Two parcels of land to the south are the subject of policy designations. No's 67 to 99 Sandwich Road have been brought within the confines of Ash, following a change to the settlement confines. A parcel of land, commonly known as the Agrii site, has been designated for residential development under policy LA21 of the Land Allocations Local Plan. This site has an estimated capacity of 95 dwellings.
- 1.3 The site is currently in use as arable farmland and sits slightly below the level of Sandwich Road. The site itself is relatively flat, with only a very gentle fall in levels from south to north. To the east of the site, around the water pumping station, the relative flatness of the site gives way to more undulation, although this part of the site is not shown as being developed.
- 1.4 This application has been submitted in outline with appearance, landscaping, layout and scale reserved. Approval is, however, sought for the access to the development.

- 1.5 The application is for the erection of 104 dwellings, 186sqm of Use Class B1 offices and 278sqm of Use Class D1 non-residential institution, together with associated car parking, roads, footpaths and landscaping. The development would also require the provision of surface water attenuation ponds.

## 2 **Main Issues**

- 2.1 The main issues are:

- The principle of the development
- The impact of the development on the character and appearance of the area
- The impacts of the development on the living conditions of neighbouring properties
- The impact on the highway network
- Contributions

### Assessment

#### Principle

- 2.2 The site lies outside of the settlement boundaries, where Policy DM1 applies. This policy states that development will not be permitted on land outside of the confines, unless it is specifically justified by other development plan policies, or it functionally requires such a location, or is ancillary to existing development or uses. The development is not supported by other policies in the development plan. Dwelling houses do not functionally require a rural location, whilst the development would not be ancillary to the existing uses or development at the site. The development is therefore contrary to Policy DM1.
- 2.3 However, as the District cannot demonstrate a five year housing land supply and having regard for paragraphs 14 and 49 of the NPPF, significant weight should be given to the provision of housing whilst permission should be granted unless the development is unsustainable or specific policies in the NPPF direct that permission should be refused. The assessment of sustainability is a comprehensive exercise, having regard to the three dimensions of sustainable development and paragraphs 18 to 219 of the NPPF, and will be addressed under the relevant heading.
- 2.4 The proposal also includes the provision of a non-residential institution use (described as a children's nursery or scout hut) and offices. Policy DM3 states that such uses should be within confines, unless no suitable alternative sites exist. The proposed location for these uses would be outside of, but adjacent to, the confines of the village. The applicant has provided an addendum to the submitted planning statement which specifically addresses the commercial units in relation to Policy DM3. The settlement is defined as a Local Centre and, as such, it is considered that it is appropriate for additional, small scale, commercial uses, such as those proposed. Whilst outside of the confines of the village, the proposed location of the commercial building is directly adjacent to the settlement. The applicant has considered whether there are any other suitable locations within the confines which could accommodate the proposed uses. In undertaking this assessment, the applicant has applied a threshold of 1,200sqm in their search. Given the nature of the uses and the requirement that such uses would have for car parking, it is considered that this assumption is reasonable. The settlement confines of Ash are drawn tightly around the built up areas of the village, with few undeveloped or vacant site sufficient size for the proposed commercial uses. The sites which would be of sufficient size are predominantly allocated as Open Space or allocated for the provision of housing. Having consideration for the information which has

been submitted by the application, it is concluded that it has been demonstrated that no suitable sites exist within confirms and, as such, the principle of the commercial uses is accepted.

#### Loss of Agricultural Land

- 2.5 Paragraph 112 of the NPPF states that "local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality".
- 2.6 The applicant has submitted an agricultural land classification report which demonstrates that the 5.6ha of agricultural land within the site comprises 3.2 ha (57 %) of Grade 1 (excellent quality) and 2.2ha (39%) of Grade 2 (very good quality) (i.e. 5.4 ha of Grade 1 and Grade 2 BMV land), whilst the remaining 0.2 ha (4%) is poor quality, non-BMV land.
- 2.7 It is acknowledged that the site is a discrete parcel of land, with housing or roads boarding most of the boundaries of the site, albeit, further agricultural land links to the north western corner of the site. However, given the classification of the land, together with its size and shape, it is not considered that it has been demonstrated that the land cannot be economically cultivated. Whilst there is no definition for 'significant development of agricultural land', on balance, taking into consideration the particular circumstances of this case, it is considered that the development would comprise significant development of agricultural land.
- 2.8 The use of areas of lesser quality agricultural land has not been explored by the applicant; however, it is acknowledged that the Council does not have a five year housing land supply. Furthermore, whilst it is clear that the loss of agricultural land carries significant weight, it does not necessarily follow that it is grounds for refusal. However, such loss should be weighed in the balance when assessing whether the development is 'sustainable'.

#### Character and Appearance

- 2.9 In assessing the character and appearance of the scheme, consideration has been given to the principles contained within the Kent Design Guide and Building for Life 12.
- 2.10 The layout, scale, appearance and landscaping of the proposal are reserved at this outline stage. Access is not reserved at this stage, with the proposed plans showing a vehicular and pedestrian access towards the west of the site and a pedestrian and cycle access towards the center of the site, both of which link to Sandwich Road to the south of the site. A footpath is also proposed to the southern boundary of the site along Sandwich Road.
- 2.11 The applicant has submitted an indicative layout plan, which suggests that the development would provide a perimeter block layout (six blocks in total) with street fronting properties. The commercial unit would be located to the western corner of the site, adjacent to the confines, with parking to its east. A large open space (described as a village green) is proposed to the south of the site, whilst the perimeters of the site, which would also be 'green' would provide SUD's features (wetland basins) and walking paths.
- 2.12 Having regard for the indicative layout, it is considered that the proposed development could be provided on the site at a relatively low density which would

be comparable to that of the existing area towards the south west of the site, before reducing in density towards the north and east of the site, where the development would form a new edge to the village. The indicative layout also demonstrates that the scheme could be designed to a regular pattern of development which responds to the prevailing spatial character of development within the area.

- 2.13 The development would undoubtedly alter and urbanise the entrance to the village from Sandwich Road, which would be bounded by development on either side of the road. Some views of the site would also be gained from the A257. The provision of a village green to the north of Sandwich Road would, however, provide an attractive, open and vegetated buffer to Sandwich Road which would reduce the visual impact of the development in views from that road. Furthermore, the existing and proposed landscaping to the northern boundary would limit the visual impact from the A257. Whilst the proposed layout is indicative only, it does demonstrate that the amount of development applied for could be accommodated on site in a manner which would minimize harm to the character and appearance of the area, whilst responding to the existing character of the area and ensuring that adequate separation is provided to the A257, the existing pumping station and wetland areas. The residual harm to the character and appearance of the area, which inevitably results from developing such a site and cannot be mitigated, needs to be weighed in the balance when considering whether the development would be 'sustainable'.
- 2.14 Whilst scale is reserved at this stage, the indicative details suggest that the dwellings would be two to two and a half storeys in height (between 8m and 11m above finished ground level) whilst the commercial building would be 1 storey in height (between 8m and 9m above finished ground level). These heights would respond to the predominant height of buildings within this part of the village and is considered to be acceptable. No details of design or elevation detailing has been provided at this stage, with appearance reserved.
- 2.15 The indicative masterplan shows that the northern boundary of the site would retain the thick vegetative screening between the site and the A257, whilst a bund and acoustic fence would be constructed within the site towards this boundary. Across the site, the build development would be set in from the boundaries of the site, providing opportunities for meaningful soft landscaping.
- 2.16 Whilst only limited details are available at this outline stage regarding the layout and appearance of the proposed development, the indicative masterplan demonstrates that the number of dwellings applied for could be comfortably accommodated on the site, whilst the location and height of the buildings, together with the indicative boundary treatments would ensure that the development would not appear out of character with the village and would not be overly prominent within the wider countryside.

#### Heritage Assets

- 2.17 Regard must be had for how the development would impact upon listed buildings, and their settings, having regard for the Planning (Listed Buildings and Conservation Areas) Act 1990 (The 'Act'). Section 66(1) of the Act states that, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.' As such, it is necessary to have 'special regard' for whether the development would preserve the listed buildings in the vicinity of the site, and their

settings. Section 72(1) of the same Act, requires that 'special attention' is given to the desirability of preserving or enhancing the character or appearance of a conservation area. Additionally, the NPPF requires that regard must be had for whether the development would harm the significance of both designated and non-designated heritage assets and, where harm is identified (either substantial or less than substantial) consider whether this harm is outweighed by public benefits.

- 2.18 The nearest listed building to the site is Collar Makers Hole, which is Grade II listed. As concluded by the Principal Heritage Officer, this listed building is considered to have a relatively localized setting, being set back from the road and well concealed. Given its location and scale, it is not considered that this building, or its setting, would be harmed by the development. Whilst set a significant distance from the site, the development does have the potential to impact upon the setting of the Grade I Listed Church of St Nicholas, the C15th tower and spire of which is a prominent feature in wider views, and forms an important landmark of the village. Long views of the spire provide a visual link to the historic core of the village and would have been an important landmark for travelers along the Sandwich Road between Canterbury and Sandwich. Whilst views of the Church along Sandwich Road are limited, due to the existing buildings between the site and the Church, the development would be seen in the context of these views. However, it is considered that modest alterations to the internal layout of the scheme would be sufficient to ensure that the setting of the Church is not harmed. This matter would be assessed in detail at the reserved matters stage, once the final layout of the scheme is known. For the purposes of this outline application, it is considered that the site provides scope to allow for a development which would not harm the setting of this important listed building.
- 2.19 The site lies adjacent to the likely route the Roman Road between Richborough and Canterbury (Sandwich Road). In addition, there have been a number of archaeological finds within the vicinity of the site, in particular of Romano-British date. As such, it is considered that there is a reasonable likelihood that the site contains heritage assets of archaeological significance and, as such, it would be reasonable to attach a condition to any grant of permission requiring a programme of archaeological work to be undertaken in advance of development.

#### Living Conditions

- 2.20 The proposed site is well separated from neighbouring properties, with Sandwich Road to the south and a PRoW to the west. In addition to the separation afforded by these transport links, the indicative layout plan shows that the buildings could be set away from the boundaries of the site, further increasing separation. As a result, the majority of the development would be set in excess of 40m from neighbouring properties. There is one exception to this general separation distance. The indicative masterplan shows that the proposed commercial building would be set approximately 14m away from the northern elevation of No.53 Sandwich Road; however, it is considered that this separation distance is sufficient to ensure that no unacceptable loss of light, sense of enclosure or overlooking would be caused to the occupiers of No.53, given the height of the commercial building. As such, the development would not cause any unacceptable harm to the living conditions of neighbours.
- 2.21 Environmental Health have advised that the development has the potential to cause unacceptable harm to the amenities of neighbouring properties during the construction phase and have consequently recommended that a construction management plan be required by condition to mitigate this potential harm. The construction management plan would limit the construction hours, provide dust management and ensure that mud is not deposited on the public highway. No

concerns have been raised in relation to noise and disturbance following occupation and, given that the scale and nature of the proposed uses, it is not considered that an unacceptable degree of noise and disturbance would be caused.

- 2.22 The proposed density of development would allow for the provision of reasonably sized and reasonably separated houses, each with a private rear garden. As such, it is considered that the site could be developed such that a reasonable standard of accommodation would be provided.
- 2.23 Notwithstanding the above, the north of the site is adjacent to the busy A257 which has the potential to cause noise and disturbance to future occupiers. The application has been supported by a Noise Impact Assessment, which concludes that, without mitigation, future occupiers of the development would be subjected to fairly high levels of road traffic noise, above WHO guidelines. The proposed development has sought to mitigate this potential harm by proposing an earth bund and acoustic fence adjacent to the northern boundary of the site. The use of non-opening windows and mechanical ventilation has also been proposed as mitigation. Environmental Health have been consulted and are satisfied that, subject to being secured by condition and appropriately detailed, these recommendations are acceptable. As the detailed layout of the development is yet to be finalized, it is considered that it would be appropriate to attach a condition to any grant of permission requiring full details of the proposed mitigation to be submitted for approval.

#### Impact on the Highway

- 2.24 Policy DM12 of the Core Strategy requires that developments provide suitable access arrangements, whilst policy DM13, being informed by Table 1.1, requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.25 Details of the proposed access have not been reserved and, consequently, full details of the proposed vehicular access to the site have been provided. One vehicular access has been proposed, which would be located around 80m from the western boundary of the site. The access would be 6m wide, widening to a bell-mouth junction. The geometry of this access road would be sufficient to allow vehicles to both enter and exit the site easily. A second access would also be provided to the east, which would be suitable for pedestrians and cyclists, together with emergency vehicles if necessary. The vehicular access would be flanked by footpaths, whilst a new footpath would be provided along the northern side of Sandwich Road.
- 2.26 Vehicular movements to and from the site have been modelled and, following amendments, verified by KCC Highways and Transportation. The development would be likely to generate around 90-100 two-way vehicle movements during each peak hour, the majority of which would be routed via the A257. The impact on this junction has also been modelled which has demonstrated that the development would not result in this junction exceeding its designed operating capacity. The onward impact of the development on the roundabout serving the A257 and A256 has also been modelled, demonstrating that the proposals would not to have an unacceptable impact. It is important to note that the impacts of the development have taken into account the cumulative impacts of the concurrent application at Chequer Lane, Ash (DOV/16/01049).

- 2.27 Concerns have been raised by third parties that the development would significantly increase traffic through the village, particularly in relation to trips to and from the primary school. However, as advised by KCC, the capacity of the school is not proposed to be increased with the additional school children generated by the development replacing children who currently travel into the village. Consequently vehicular traffic through the village would be unlikely to significantly rise, whilst the proximity of children to the school would present an opportunity for walking trips. For these reasons, it is not considered that the development would be likely to cause unacceptable harm to the local or strategic highway networks. It should be noted that neither KCC Highways and Transportation or Highways England have objected to the application.
- 2.28 Following consultation, the applicant has proposed to move the 30mph speed limit further to the east, reducing the speed of vehicles along the vast majority of Sandwich Road. Given that Sandwich Road already has residential development along most of its southern side and the development will provide housing to its northern side (albeit set a significant distance away from the road), it is considered that such a reduction in speed is necessary. The works to alter speed limits have passed an independent safety audit and the costs will be borne by the applicant.
- 2.29 Policy DM13 of the Core Strategy requires that the provision of car parking should be a design led process, based upon the characteristics of the site, having regard for Table 1.1 of the Core Strategy. Whilst the layout of the development has not been submitted at this stage, the indicative details demonstrate that car parking can be provided in close association with the proposed dwellings, whilst a small car park can be provided to serve the commercial units. At this stage, with matters reserved, details of car parking provision have not been provided, although the submitted Transport Assessment confirms that such provision will be made, in accordance with guidance. Having regard for the density of the development it is considered that the site is capable of providing the necessary car parking, subject to acceptable details being provided at the Reserved Matters stage.
- 3.30 Sandwich Road, directly to the south of the application site, provides bus stops which are served by the No.'s 13, 13A and 14 which, together, provide two services in each direction per hour. These services travel between Walmer, Deal, Eastry, Sandwich, Ash, Wingham and Canterbury. Concern has been raised that the proposed location for the access road would result in an existing bus shelter being located within the visibility splay of the access and, as such, the bus shelter would need to be moved further to the east. The provision of a replacement bus shelter can be secured by condition. The nearest train station, in Sandwich, is around 2.7 miles away and provides regular services to Thanet, Dover, Canterbury, Medway, Ashford International and London. This station can be reached by bus. Having regard for the rural location of the site, it is considered that it is reasonably served by public transport, providing an alternative means of transport.
- 3.31 The site is bounded by a Public Right of Way to the west of the site. The indicative masterplan demonstrates that the development could be accommodated on the site whilst retaining a reasonable separation between the proposed uses and the footpath. The areas between the built elements of the proposal and the footpath are shown to be soft landscaping which would provide an appropriate setting to the PRoW. The proposed wetland basin would also be set away from the PRoW and, subject to its detailed design, would not prejudice use of the bridleway.
- 3.32 Should the application be granted, KCC Highways have requested that a suite of conditions be attached to ensure that the development would not cause harm to the local highway network. These conditions require that: full details of the roads,

footways, parking and associated infrastructure to be submitted for approval; details of car and cycle parking are provided and subsequently carried out; the access, and its visibility splays, is completed in accordance with the approved details; certain works are completed prior to the occupation of each dwelling; and a construction management plan is submitted for approval. It is considered that all of these conditions are reasonable. In addition, it is considered that an additional condition is necessary, requiring full details to be submitted for the off-site highway works, comprising the provision of a replacement bus shelter, provision of footpaths and relocation of the 30mph speed limit.

#### Contamination

- 2.33 Whilst the application site has predominantly been used for agricultural purposes, the surrounding area has been used for processes which may have caused contamination. Whilst this risk has been assessed as being 'moderate', the proposed end use, residential, is relatively susceptible to risks of contamination. As such, the submitted report recommends that further investigations are undertaken, including soil sampling and gas monitoring to ensure that future occupants, ground water or the environment are not unacceptably harmed. Should any contamination be identified, it would require remediation. The report also recommends that, given the coal mining which occurred in the area, a coal mining report should be obtained.
- 2.34 Environmental Health have reviewed this report and concur with its findings. Consequently, it is considered that, should permission be granted, a condition should be attached requiring that a site investigation and risk assessment be undertaken and, if necessary remediation, prior to the commencement of the development.

#### Ecology

- 2.35 In accordance with the Habitats Directive and the Wildlife and Countryside Act 1981, it is necessary to ensure the application (a 'project') does not harm a European Site. The Land Allocations Local Plan establishes that residential development across the district will cause in combination effects on the Pegwell Bay and Sandwich Bay SPA and Ramsar Site. However, the LALP also provides a suggested mitigation against these cumulative impacts of development, setting out a mitigation strategy to avoid potential impacts, comprising a financial contribution to provide monitoring and wardening at Sandwich Bay and towards the Pegwell Bay and Sandwich Bay Disturbance Study. The applicant has agreed to pay this contribution, amounting to £5,051.92. Consequently, it is not considered that the development would cause a likely significant effect on the SAC or SPA. A legal agreement will be required in order to secure this contribution.
- 2.36 In furtherance to the impacts on the off-site Thanet Coast and Sandwich Bay, Ramsar, SAC and SPA, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, having regard for Natural England's Standing Advice.
- 2.37 The application has been supported by an Ecological Appraisal for the site, which considers both the floral and faunal use of the site.
- 2.38 The site is overwhelmingly arable farmland, with areas of: semi-improved grassland; rank grassland/tall ruderal growth; scrub; hedgerows; trees; and ditches towards the peripheries of the site. These areas are considered to be of low ecological value, with the exception of the semi-improved grassland, which is of low-moderate value, and the hedgerows, which are of moderate value. These



features would be little impacted by the development, which is concentrated towards the centre of the site.

- 2.39 In relation to bats, the report confirms that, following inspection, the trees around the peripheries of the site do not contain features which would provide for roosting. Furthermore, whilst the margins of the site, in particular the hedgerows, may provide some potential for foraging and commuting, the site is unlikely to be significant for local population and, as such, no further surveys are required. However, mitigation in respect of light has been recommended.
- 2.40 Whilst there are no records of Badger within the 1km by 1km OS square which contains the site, there have been records of badger within 5km of the site. A survey of the site and its environs was undertaken by the ecologist during which no badger setts, latrines, dung pits or signs of foraging or commuting were found. Whilst the site provides some potential for badger foraging, there is an abundance of alternative habitat in the area. As such, the development would be unlikely to affect badger.
- 2.41 The site is considered to be unsuitable for dormouse, water vole or otter and no evidence of any protected, rare or notable mammal was recorded within the site. The site does, however, have potential for hedgehog and brown hare and, as such, precautionary safeguards for these species have been recommended.
- 2.42 The locality of the site contains numerous ponds and there is therefore a potential for amphibians. Four surveys were undertaken to establish whether any of these ponds support amphibians. These surveys, each undertaken on different days across two months, identified one smooth newt in ponds 4 and 5, common frog in ponds 2, 4 and 5 and common toad in pond 4. No great crested newts or palmate newts were recorded. Given the low numbers and common status of the amphibians identified, it is concluded that amphibians are not a constraint to development, albeit mitigation during construction has been recommended.
- 2.43 The boundaries of the site provide potential for reptiles and accordingly a series of surveys of the site were undertaken. These surveys identified a peak adult count of four common lizards. One juvenile slow worm was observed, whilst grass snakes and other reptile species were absent. The margins of the site are, consequently, considered to be of low to moderate value to common lizard. These areas are to be retained and enhanced. Reptiles will also be safeguarded during construction and, as such, would not be harmed.
- 2.44 Numerous birds were observed on the site during the Phase 1 survey, of which Kestrel and Green Woodpecker are amber listed. Whilst the surrounding areas are likely to support a variety of farmland birds, the intensively farmed arable land which accounts for the vast majority of the site is unlikely to be of significant value. However, as breeding birds may nest in the wooded areas to the peripheries of the site, safeguards have been recommended.
- 2.45 Given the habitat composition, it is considered unlikely that the site is of significant invertebrate interest.
- 2.46 The ecological appraisal recommends a series of seven mitigation measures, to ensure that: hedges and trees are retained; pollution of the environment is avoided; lighting is designed to minimize impact on bats; and safeguards are put in place to avoid harm to mammals, reptiles and birds during construction. Additionally, a series of seven ecological enhancements have been proposed, comprising the creation of new habitat; the provision of bat boxes and bird boxes; enhancements

for reptiles; and the creation of wood piles to provide opportunities for invertebrates.

- 2.47 The Councils Principal Ecologist (formal comment yet to be received) has confirmed that, subject to the mitigation and enhancement measures proposed, together with an updated badger survey being provided at the reserved matters stage and measures to ensure that vehicles do not disturb areas which may be used by reptiles, being secured by condition, the findings of the submitted ecological appraisal are accepted and it is agreed that the development would cause no significant harm to any species or habitat.

#### Contributions

- 2.48 Core Strategy Policy DM5 requires that for schemes of this scale, the Council should seek an on-site provision of 30% affordable housing. The applicant is proposing to provide the required affordable housing, which would amount to 31 dwellings. Whilst the details of these affordable units have not been submitted at this stage, an indicative plan has been submitted which shows that these dwellings would comprise pockets of between four and seven units, spread throughout the scheme and would include two four-bed units, sixteen three-bed units and thirteen two-bed units. It is considered that, subject to being secured by a condition requiring full details of the affordable housing to be submitted for approval, the development would accord with Policy DM5.
- 2.49 In accordance with Policy DM27 of the Land Allocations Local Plan, the development would also be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demand which would be generated by the development. Given the scale of the development, it would give rise to a need for 0.57ha of accessible green space, 0.3ha of outdoor sports facilities, 0.016ha of children's equipped play space and 0.05ha of allotments/community gardens. The application proposes the provision of a large 'village green' adjacent to Sandwich Road, which would contain a children's playground. The overall size of this open space is approximately 1.3ha, of which around 0.9ha would be useable. It is considered that the location of this facility would allow it to be used by both the occupants of the development and existing residents of the village. Whilst this space would not provide outdoor sports facilities or allotments, it is considered that it would provide a valuable local resource which meets the needs of Policy DM27. It will be necessary to require, by condition, full details of the hard and soft landscaping, boundary treatments, piece of play equipment and other items to be provided within the Open Space, together with a timetable for the implementation of these works and details of its long-term maintenance, to ensure that the area is of a high quality.
- 2.50 Kent County Council have advised that the development would increase demand for local facilities and services and, where there is currently inadequate capacity to meet this need, contributions should be sought to provide infrastructure improvements proportional to meet the need generated. In this instance, KCC have advised that there is insufficient primary and secondary school provision to meet the needs of the development. Furthermore, given the constraints of its site, the closest school, the Cartwright and Kelsey CE Primary School, cannot be expanded. However, KCC have advised that this school currently has an intake which includes children from nearby Sandwich. As such, they have advised that a contribution towards phase 1 of the proposed new school at Discovery Park would free up places for children from Ash. A contribution of £245,539.84 has been requested from this application to meet the need identified. KCC have also requested a contribution of £245,419.20 for the expansion of Sir Roger Manwoods, which is a nearby secondary school, a contribution of £4,994.08 towards

increasing the capacity of Ash Library, a contribution of £2,666.56 be provided to pay for portable equipment for new learners classes at the Cartwright and Kelsey CE Primary School and a contribution of £8,073.72 towards increasing the capacity of Age UK in Sandwich, all of which would ensure that the needs generated by the development would be met. It is considered that each of these requested contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The applicant has confirmed that they are willing to provide these contributions and have submitted a legal agreement to secure them as part of the development.

- 2.51 In addition to the contributions requested by KCC, the NHS CCG have advised that the GP surgery in Ash is operating at capacity and could not, therefore, meet the additional demand generated by the development. A project has been identified to expand the existing surgery which would increase its capacity by 1000 patients. The total cost of this expansion would be £78,660. The proposed development would be likely to generate approximately 286 new patients and, as such, a proportionate contribution from the development would be £22,497. The applicant has agreed to provide this contribution.

#### Flood Risk and Drainage

- 2.52 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localized on or off-site flooding.
- 2.53 The NPPF, at paragraph 103, states that local planning authorities should ensure that flooding is not increased elsewhere, going on to say priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible.
- 2.54 The Preliminary Surface Water Drainage Strategy confirms that, due to slow infiltration rates (which have been established following ground investigations), infiltration drainage is not suitable on this site. Whilst the proposed drainage features, such as swales, would allow some infiltration, primarily water would be drained into two attenuation ponds which would then discharge into existing watercourses at a managed rate to replicate the existing discharge into these features. The Lead Local Flood Authority have commented that the submitted drainage strategy demonstrates that surface water can be adequately disposed of, and this disposal would mimic existing run-off rates. However, in order to ensure that such discharge takes place, they have recommended that a condition be attached to any grant of permission requiring full details of the final drainage strategy, together with a timetable for its implementation and details of maintenance, to be submitted to and approved by the LPA. The River Stour Internal Drainage Board supports these comments and agrees that such a condition is necessary, as do the Environment Agency. It is considered that, subject to this condition, the surface water drainage from the site would not be likely to cause localised flooding.
- 2.55 Regard must also be had for the disposal of foul sewerage from the site. The application has been supported by a Preliminary Services Appraisal which assesses the availability of, amongst other services, foul sewerage provision. A level 2 capacity check has been carried out which demonstrates that the existing network does not have the capacity to meet the needs of the development. However, a scheme to upgrade the local network to facilitate the needs of the

development has been formulated which, provided it is demonstrated that it would not result in any loss of hydraulic capacity and the works are carried out at the developers expense, would ensure that the sewerage needs of the proposed development would be met, without prejudicing the network. Southern Water have requested that a condition be attached to any grant of permission requiring full details of the proposed drainage strategy, together with a timetable for the implementation of the works, to be submitted and approved. Such a condition, which would need to be discharged before works commence, would ensure that the development would cause no harm to the local sewerage network and would not increase the risks of flooding.

- 2.56 Southern Water have confirmed that a water supply to the site can be provided.

#### Sustainability Overview

- 2.57 Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". At present, the council is unable to demonstrate a five year supply of housing land. As such, it is considered that the Councils relevant policies for the supply of housing are out of date and, in accordance with paragraph 14 of the NPPF, planning permission must be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies" of the NPPF, or where specific policies of the NPPF "indicate development should be restricted".
- 2.58 Sustainability is defined in the NPPF, at paragraph six, as paragraphs 18 to 219 of the NPPF taken as a whole. However, the assessment of sustainability can also be separated into three dimensions: economic, social and environmental.
- 2.59 Whilst the NPPF must be assessed as a whole, two paragraphs (29 and 55) are considered to be particularly relevant to this application.
- 2.60 Paragraph 29 of the NPPF states that "the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel". This paragraph goes on to acknowledge that "opportunities to maximise sustainable transport solutions will vary from urban to rural areas".
- 2.61 The site is directly adjacent to the built up confines of Ash, with the confines extending along the southern side of Sandwich Road and around the curtilage of No.44 Sandwich Road, which lies to the west of the application site. The development would provide a new footpath along the northern side of Sandwich Road whilst footpaths extend from the site into the centre of the village. As such, the development would be well linked to the existing pedestrian routes in Ash and the facilities and services of the village. Ash is defined by the Settlement Hierarchy at Policy CP1 or the Core Strategy as a Local Centre, which is the secondary focus for development in the rural area and suitable for a scale of development that would reinforce its role as a provider of services to its home and adjacent communities. The village provides a wide range of services and facilities including a primary school, a church, a doctor's surgery, a pub, a village hall (with library), and open spaces, together with a range of shops, including a post office.
- 2.62 There several bus stops adjacent to the site, which Stagecoach have advised are served by two bus services per hour linking to Deal, Sandwich and Canterbury. The nearest train station, in Sandwich, is around 2.7 miles away and provides

regular services to Thanet, Dover, Canterbury, Medway, Ashford International and London.

- 2.63 It is considered that, having regard for the facilities and services which are available, the distances to these facilities and services in settlements and public transport links, occupants of the dwellings would be able to walk or cycle to facilities and services and utilise public transport. Consequently, the development would not be solely reliant on private modes of transport, providing a choice of means of transport, including more sustainable forms. As such, it is not considered that the dwellings would be isolated.
- 2.64 Paragraph 55 of the NPPF states that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and continues to say that new isolated homes in the countryside should be avoided, except where special circumstances exist. As addressed previously, the site is not considered to be isolated, whilst the development would help to sustain the facilities and services of the village. In addition, the development would provide contributions towards the upgrading of existing facilities and services to ensure that the needs of future occupiers could be accommodated.
- 2.65 Whilst paragraphs 29 and 55 of the NPPF indicate that the location of the development is acceptable, it is necessary to consider the NPPF as a whole, splitting down the material considerations into the three dimensions of sustainable development.
- 2.66 The development would provide a short term, transitory, economic benefit by providing employment during the construction phase. Whilst the dwellings would be well located in relation to the village, the development would result in the loss of approximately 5.4ha of Best and Most Versatile agricultural land, which weighs against the development.
- 2.67 With regards to the social role, the development would provide one hundred and four additional dwellings which would provide a significant contribution towards the Districts need for housing supply. The development would be located in a relatively accessible location, where it would help to enhance or maintain the vitality of a rural community. Whilst the detailed layout and appearance of the buildings are unknown at this stage, the density of development would allow scope for a detailed design to be formulated which could contribute towards the creation of a high quality built environment, including the provision of generous soft landscaping, which minimizes its impact on visual amenity.
- 2.68 Turning to the environmental role, the application has demonstrated that the development could be designed so as to respond to the built and historic environment, albeit, the development of the site would cause some harm to the character of the natural environment. The development would cause no harm to ecology and would incorporate ecological enhancements, subject to conditions. Finally, the development would have the potential to contribute towards reducing pollution and climate change, by facilitating the use of sustainable modes of transport.
- 2.69 Whilst the development would produce some disbenefits, most notably the significant loss of Best and Most Versatile agricultural land, which must be weighed in the balance, it is not considered that these disbenefits would outweigh the significant benefits of the development. Where there is a lack of five year housing land supply, the relevant test is to grant permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits". In this instance, it is not considered that the disbenefits significantly and

demonstrably outweigh the benefits. It is therefore considered that the development represents 'sustainable development' and is supported by the provisions of paragraph 14 of the NPPF.

### Overall Conclusions

- 2.70 The site lies outside of the settlement confines of Ash, on agricultural land which is considered to be Best and Most Versatile. However, the Council is unable to demonstrate a five year housing land supply whilst it is considered that the application has demonstrated that, subject to the submission of an acceptable application for approval of reserved matters, the development could be designed in such a way so as to cause no harm to the character and appearance of the area, the local highway network or the amenities of neighbouring properties. The application would provide 30% affordable housing on site and contributions towards improvements to local infrastructure to meet the needs generated by the development. Furthermore, the development would be acceptable in all other material respects. Whilst the consideration of this application is balanced, it is not considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme and, as such, having regard for paragraph 14 of the NPPF, it is recommended that planning permission be granted.

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### Recommendation

- I Subject to the submission and agreement of a s106 agreement to secure contributions, PERMISSION BE GRANTED subject to conditions to include:-
- i) outline time limits; ii) approved plans; iii) details of noise mitigation; iv) contamination; v) coal mining report; vi) construction management plan; vii) full details of surface water drainage, timetable for implementation and maintenance; viii) full details of foul drainage and timetable; ix) ecological mitigation and enhancements; x) lighting strategy; xi) full details of measures to protect boundary vegetation; xii) full details of public open space, play equipment, means of enclosure, hard landscaping, benches and bins to be provided within the open space; xiii) full details of landscaping; xiv) affordable housing scheme; xv) archaeology; xvi) samples of materials; xvii) details of all off site highway works and a timetable; xviii) completion of access road and emergency access; xix) provision of car parking; xx) provision of cycle parking; xxi) completion of certain highway works prior to first occupation of each dwelling; xxii) provision of visibility splays; xxiii) measure of preventing discharge of water onto the highway; xxiv) use of a bound surface material for first 5m of access road; xxv) completion of certain highway works which are to first be approved.
- II Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions and to agree a s106 agreement, in line with the issues set out in the recommendation and as resolved by Planning Committee.

### Case Officer

Luke Blaskett