

- a) **DOV/16/01049 – Outline application for the erection of 90 dwellings, new vehicular and pedestrian access from Chequer Lane, public open space and landscape buffer and associated infrastructure, with all matters reserved - Land off Chequer Lane, 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

- LA20 – Land to the West of Chequer Lane, Ash – Allocates the site which is the subject of the current application for housing, with an estimated capacity of 90 dwellings. There are six criteria which would need to be met under this policy, requiring that: the existing boundary hedgerows and vegetation are retained and landscaping, of no less than 15m in width, is established along the western boundary; the density of development along the western boundary is reduced to mitigate any landscape impact; the Public Rights of Way (EE112 and EE113) are enhanced and incorporated in the design and layout to improve cycle and pedestrian connections from Chequer Lane and Molland Lea; the main vehicular access will be from Chequer Lane with an emergency access off either Chequer Lane or Molland Lea; development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing water supply infrastructure for maintenance and upsizing purposes; and a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives.
- 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; conserve heritage assets in a manner appropriate to their significance; 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 - No objection. Should permission be granted conditions should be attached requiring that any previously unidentified contamination found to be reported, investigated and remediated and a construction management plan be submitted for approval. It is also recommended that plug-in charging points for electric vehicles are provided within the development, where practical.

Natural England - As the site is for more than 15 dwellings, mitigation should be sought to manage the potential impacts of recreational pressure on the Thanet Coast and Sandwich Bay SPA and Ramsar Site. The potential for the development to impact upon protected species should be considered, having regard for Natural England's standing advice.

Southern Water - The existing sewerage infrastructure cannot meet the needs of the development without improvements to the sewerage infrastructure. It is therefore recommended that any permission be subject to a condition which requires full details of a drainage strategy, together with a timetable for the implementation of the strategy, to be submitted and approved by the Local Planning Authority. The application proposes the use of sustainable urban drainage systems. To ensure the effectiveness of these systems in perpetuity, a condition should also be attached requiring full details of this drainage. A water main passes close to the site, which should be protected at all times during construction works. Fresh water can be supplied to the site.

River Stour Internal Drainage Board – Provided the SuD's is designed in direct consultation with KCC's drainage and flood risk team, IDB interests should not be affected.

KCC Highways – *Initial response received 6<sup>th</sup> October 2016:*

The development is unlikely to cause a significant impact on the capacity of the highway network. However, several detailed comments are made. Chequer Lane is proposed to be widened to accommodate two HGV's passing each other. This is excessive and would encourage speeding. A carriageway width of 7.5m would be appropriate and allow for the retention of parking. The proposed vehicle crossing point should be would cause vehicles to obstruct the visibility of pedestrians. A build out should instead be provided at the existing crossing point. The development should include for the paving of the Public Right of Way (EE113). There should be no vehicular access to the site from Molland Lea, with the secondary emergency access provided from Chequer Lane. A joint transport

assessment for this application and the application for 112 dwellings on land at Sandwich Road, Ash (DOV/16/00800), taking into account the committed development at Discovery Park. A holding objection is placed until the above five points have been addressed.

*Subsequent response received 15<sup>th</sup> December 2016:*

The proposed access arrangements and highway alterations in Chequer Lane are now acceptable. I believe my original comments dated 6th October regarding surfacing a short section of PROW EE113 and not having a vehicular connection to Molland Lea have yet to be resolved, but I understand these are not within your remit.

Ash Parish Council - Support with reservation. Chequer Lane is a narrow access road which is the main link to the A257 and is therefore already traffic congestion on this road. The Parish therefore strongly recommend two vehicular accesses onto Chequer Lane, as this may help reduce the adverse impact of the development.

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, particularly to the north and north-west boundaries. The provision of gardens which back onto these boundaries does not provide a functional buffer strip. The detail of these buffer strips should be clarified, should include the use of native species of local provenance and should be provided in advance of any construction.

Southern Gas Networks - The development should ensure that no gas mains are damaged during construction.

Environment Agency - No objection, subject to two conditions being attached to any grant of permission. These conditions relate to previously unidentified contamination being reported, investigated and remediated and the restriction of surface water drainage to that which is expressly permitted. The Environment Agency have no objection to the use of surface water infiltration, provided that they discharge as shallow as possible and to unsaturated ground.

KCC Lead Local Flood Authority - The Flood Risk Assessment adequately demonstrates that the surface water can be managed within the site boundary, although the swale should be located where it can be easily maintained. Should permission be granted, it is recommended that three conditions are attached requiring that: details are submitted that demonstrate that surface water can be accommodated within the site; full details of surface water drainage are provided with the application for reserved matters; no occupation take place until details of the implementation of the surface water drainage strategy have been approved.

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: £212,486.40 towards Phase 1 of the new school at Discovery Park; £212,382 towards the first phase of expansion at Sir Roger Manwood Secondary School; £2,307.50 towards portable equipment for the new learners classes within the local area; £4,321.42 towards ash library for shelving and stock; £6,986.70 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 216 patients and, as such, a proportionate contribution for this project from this application would be £16,990.

Kent County Council Public Rights of Way – Public footpaths EE112 and EE113 are within or border the development site. The route of EE113 has been drawn incorrectly on the submitted plans, which requires clarification.

DDC Principal Ecologist – Ecology: no constraints, but in line with NPPF para 117, ecological enhancements should be sought. Those listed in Section 5 of the Ecological Appraisal would be sufficient.

Landscape: with the buffer proposed and reduced density to the west, there should be no constraints. It is noted that the appraisal considers the view from Cop Street and finds that the visual effect will be neutral.

Green Infrastructure: the applicant has considered the creation of a welcoming open space arrangement based on the extant footpaths. It is important at the design stage that the ambience of the footpaths is maintained, by avoidance of features that might be found to be oppressive (e.g. a reliance on close-boarded fencing boundaries adjacent to the paths).

EIA: Site falls below the threshold for housing development (5 ha/ 150 dwellings).

HRA: The only sensitive site which might be affected by this development is the Thanet Coast and Sandwich Bay SPA/Ramsar site, due to increased recreational pressure in combination with other developments in the district. Recommend the applicant subscribes to the TCMS which would satisfy HRA concerns.

DDC Principal Infrastructure Delivery Officer – The development would need to provide a contribution of £3,934.49 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.

The open space provided within the scheme would not be sufficient to meet the Open Space needs of the development. The nearest existing play area is located within 150m of the site. As such, contributions should be sought for off-site provision of Open Space, comprising £43,512 towards a Local Area of Play and £28,000 for sports provision.

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 £16,990.

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

DDC Head of Strategic Housing - The application acknowledges that the Council's planning policy in respect of affordable housing applies to the proposed development and I'm pleased that the planning application form includes a proposal to provide 27 social rented homes which is in line with the policy target of 30%. Affordable rented housing delivered in partnership with a Registered Provider of affordable housing would normally be let at affordable rent levels rather than social rent. I would also normally expect the affordable housing to comprise a mix of rented and shared ownership tenures. This would normally be in the proportion 70% rented and 30% shared ownership. I note that the proposal relating to the affordable housing does not include details of the dwelling types to be provided and this would need to be determined in consultation with the Council and potential Registered Providers.

DDC Principal Heritage Officer – The development does not present any Listed Building or Conservation Area issues.

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

- Development should not take place outside of the village confines or on greenfield land.
- The development will increase pressure on infrastructure
- Inadequate infrastructure, including but not limited to schools, sewerage and the GP surgery, to meet the needs of the development
- Increased traffic and lack of car parking in the area
- All development in the village should be put on hold until a new plan is in place
- The layout shown on the submitted plans will encourage joy riding
- There is no need for additional housing
- Impact on neighbouring properties (loss of light and loss of privacy)
- Loss of the Scout hut
- The development will not provide any affordable housing
- The development will impact upon archaeological remains
- The development will harm wildlife
- Loss of Best and Most Versatile agricultural land
- The development will be too dense

In addition, one letter has been received which neither supports nor objects to the development. This letter raises the following points:

- Regard should be had for ensuring that access to the Scouts Building is maintained.

f)

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

- 1.1 The application site is located to the north of Ash, on a parcel of land which is situated to the south of the A257, to the west of Chequer Lane (beyond which are dwellings) and to the north of a residential area comprising Chequer Lane, Holness Road and Molland Lea. To the west of the site, and to the north, beyond the A257, is agricultural land.
- 1.2 The site lies within the settlement confines of Ash and is allocated by Policy LA20 for residential development, with an estimated capacity of 90 dwellings.
- 1.3 The site itself comprises predominantly agricultural land, with trees and other vegetation to its north and field boundaries to its east and south. Two Public Rights of Way run through or are adjacent to the site. The EE112 runs along the sites southern boundary, whilst the EE113 runs across the site from a yard, which is accessed from Molland Lea and Holness Road, to Chequer Lane. The land generally rises from south east to north west, with a maximum rise in levels of 2.8m.
- 1.4 This application has been submitted in outline, with all matters (access, appearance, landscaping, layout and scale) reserved. The application proposes the erection of 90 dwellings, together with vehicular and pedestrian access onto Chequer Lane, open space and associated landscaping, including a 15m wide landscape buffer to the west of the site.

## 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 application site is allocated for residential development under policy LA20 of the Land Allocations Local Plan. This policy supports the principle of residential use of the site, with an estimated capacity of 90 dwellings, subject to the following six criteria:

- i. the existing boundary hedgerows and vegetation are retained and landscaping, of no less than 15m in width, is established along the western boundary;
- ii. the density of development along the western boundary is reduced to mitigate any landscape impact;
- iii. the Public Rights of Way (EE112 and EE113) are enhanced and incorporated in the design and layout to improve cycle and pedestrian connections from Chequer Lane and Molland Lea;
- iii. the main vehicular access will be from Chequer Lane with an emergency access off either Chequer Lane or Molland Lea;
- v. development should provide a connection to the sewerage system at the nearest point of adequate capacity and ensure future access to the existing water supply infrastructure for maintenance and upsizing purposes; and
- iv. a mitigation strategy to address any impact on the Thanet Coast and Sandwich Bay Ramsar and SPA sites and Sandwich Bay SAC site is developed. The strategy should consider a range of measures and initiatives.

The application is for the 90 dwellings, in accordance with the estimated capacity. The above criteria all relate to detailed matters and will be considered under the relevant headings. Subject to meeting these criteria, it is considered that the principle of the proposed development accords with Policy LA20 and is therefore acceptable.

2.3 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.

Character and Appearance

- 2.4 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.
- 2.5 This application has been submitted in outline, with all matters (including appearance, layout, scale and landscaping) reserved. However, the application has been supported by an illustrative masterplan which indicates how the proposed development could be accommodated on the site.
- 2.6 The proposed development would provide a density of approximately 29 dwellings per hectare. The density of development within the area varies significantly. Some of the lowest densities are found directly to the south of the site, displaying a density of approximately 22 dwellings per hectare, whilst some of the highest densities (excluding the village core) are found to the east and south east, which display densities of between 27.5 and 33dph. Whilst the overall density of development is therefore considered to be acceptable, the densities of each part of the application site will need to respond to the characteristics of its particular context. The indicative masterplan shows that across the site the density would vary, with a higher density towards the middle of the site and lower densities to the peripheries. In particular, the masterplan shows that the density of the scheme would reduce significantly to the west of the site, adjacent to a landscape buffer. This reduction in density adheres to criterion 2 of policy LA20 which states that the density of development along the western boundary is reduced to mitigate any landscape impact. The density along the northern and eastern boundaries would also be relatively low. As a result, it is considered that the visual impact of the development would be substantially reduced in views from the wider area.
- 2.7 The indicative layout suggests that the buildings within the site would, broadly, be located around the peripheries of the site and within two blocks of buildings within the interior. The layout would provide for street fronting development, responding to the character of the development in the area, but would avoid a highway dominated scheme. The layout of scheme and the structure of its roads would provide a variety of 'spatial types', which would add interest to the interior of the site. Whilst some concerns are raised with this indicative layout, in particular relating to the relationships of some buildings with open spaces (for example where buildings back onto these spaces), it is considered that the layout is sufficient to demonstrate that the amount of development applied for could be successfully accommodated on the site, albeit with some amendments at the reserved matters stage.
- 2.8 The scale of the buildings would also vary across the site, incorporating buildings ranging from one and a half to two and storeys in height. Broadly, the heights of buildings would reduce from the south east to the south west. In assessing the acceptability of the heights of buildings, regard must be had to the topography of the site, which rises around 2.8m from south east to north west. It is also noted that Chequer Lane is set down from the level of the site. The majority of houses in the area are two storeys in height; however, it is not considered that two and half storey dwellings would appear incongruous and, whilst the changes in levels are not so significant that the development would appear unduly prominent, particularly given the opportunity to set dwellings in from the highway. As such, the indicative heights are not considered unacceptable. It is, however, considered that it would be reasonable to require that the reserved matters application be supported by details of building heights, floor and threshold levels, sections through the site and incorporating neighbouring building and street scene elevation drawings, so that the visual impacts of the detailed scheme can be fully assessed.



- 2.9 The site would include a 15m wide landscape buffer to the west of the site and would retain and reinforce the existing vegetation to the north and south of the site, in accordance with the requirements of the first criterion of Policy LA20, which states “the existing boundary hedgerows and vegetation are retained and landscaping, of no less than 15m in width, is established along the western boundary”. Buffer planting would also be provided either side of the Public Rights of Way which run along the southern boundary of the site and through the site respectively, in accordance with criterion 3 of Policy LA20. Within the site, generous areas of strategic landscaping and open space have been proposed, which would help to soften the visual impact of the buildings.
- 2.10 Overall, whilst all matters are reserved at this stage, the indicative masterplan provides confidence that the amount of development proposed can be successfully accommodated within the site whilst providing a high quality, attractive development.

#### Heritage Assets

- 2.11 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.
- 2.12 The nearest listed buildings, comprising a group of buildings located on, and adjacent to, The Street to the south, an isolated building called Molland to the west and Chequer Court (which is also a Scheduled Ancient Monument) to the north, are all located a significant distance from the site. All of these listed buildings are considered to have relatively localised settings, typically being two to three storeys in height and often closely confined by other buildings. However, the C15th tower and spire of the Grade I Listed Church of St Nicholas is a prominent feature in wider views, and forms an important landmark, of the village. The spire is visible in the distance along Chequer Lane, when travelling towards the village. The development would result in housing to the western side of Chequer Lane, which would alter the character of this section of the road. However, the illustrative masterplan demonstrates that the buildings within the scheme could be set back from Chequer Lane, reducing the urbanisation of the lane. Having regard for this, together with the separation distance between the site and the Church, it is considered that the development would not harm the setting of the Church.
- 2.13 The first edition Ordnance Survey map identifies that a windmill (described as the 'Good Intent' windmill) was located within the site along the southern boundary. The footpaths through the site are also shown on the same map. The archaeological report submitted with the application identifies that the site has, in particular, a moderate potential for medieval archaeology and a high potential for post-medieval archaeology. 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

- 2.14 The site is bounded by residential areas to its south and, beyond Chequer Lane, to the east.
- 2.15 The closest residential properties would lie to the south of the site, in particular No. 64 Chequer Lane and No.'s 50-60 (inclusive) Molland Lea. No.64 is set approximately 6m away from the boundary of the site. Whilst this relationship is relatively close, the indicative layout plan, in accordance with the proposed drainage strategy, shows that an infiltration basin will be located to the north of No.64, as this is the lowest point on the site. As such, dwellings within the development would be well separated from No.64 and would not, therefore, cause any unacceptable loss of amenity to that property. The properties on Molland Lea are located further from the application site, approximately 15m to the south. The development on site would be set at least a further 5m away, by virtue of the landscape buffer around the PRow and, consequently, would be set a sufficient distance away to ensure that no unacceptable loss of amenity would be caused.
- 2.16 The dwellings to the east of site would be separated from the proposed dwellings by Chequer Lane. As such, these properties would be set at least 13m away from the edge of the application site and, subject to an acceptable layout being submitted at the Reserved Matters stage, would not be unacceptably impacted by the development.
- 2.17 It is not considered that any other dwellings would be unacceptably impacted by the proposed development. Notwithstanding this, Environmental Health have advised that it would be appropriate to include a condition on any grant of permission requiring the submission of a construction management plan. This plan would detail how hours of construction, noise, dust and vibration would be controlled, in order to ensure that the living conditions of neighbours are not unacceptably impacted during development.
- 2.18 The illustrative masterplan proposes that the dwellings would all be of generous sizes, whilst the proposed density would allow reasonable separation distances between properties. As such, it is considered that the application has demonstrated that the amount of development proposed could be successfully accommodated whilst providing acceptable living conditions for future residents.

#### Impact on the Highway

- 2.19 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 and nature of the proposed development and design objectives.
- 2.20 Access is reserved at this stage. Notwithstanding this, the indicative masterplan provides a suggested location for the access to the site, which would be located approximately centrally along the eastern boundary of the site, linking to Chequer Lane. A secondary 'emergency only' access would be provided to the north east of the site, also onto Chequer Lane. Both the location of the main access and emergency access accord with the requirements of criterion 4 of Policy LA20 and the principle of the proposed accesses are, therefore, accepted. It has therefore been demonstrated that site can be appropriately accessed. The masterplan

originally submitted with application, which has now been amended, had sought to provide an additional access onto Molland Lea. Whilst this access would also have accorded with criterion 4 of Policy LA20, following significant local concern the vehicular access in this location has been removed so that only footpath links would be provided.

- 2.21 The occupants of the proposed development would lead to an increase in vehicular movements on the surrounding road network. The application has been supported by a Transport Assessment, which has modelled the trips generated by the development and the consequential impact on the local highway network. Subsequently, additional information has been submitted which considers the in-combination effects of the development with the effects of another application which is currently under consideration at Land at Sandwich Road, Ash (DOV/16/00800). The development would produce approximately 50 trips within the AM peak hour and 60 trips within the PM peak hour, whilst approximately 95% of these trips would travel north, directly onto the A257. As such, the development would have little impact on traffic through the village. The impact on junctions and roundabouts has also been modelled, demonstrating that the development would have a negligible impact on these junctions and would not cause any junction to exceed its design capacity.
- 2.22 Following consultations, the applicant has proposed off-site highway works to ensure that Chequer Lane is appropriately altered to accommodate the development. The width of the road is to be increased towards the south of the site to improve the flow of traffic whilst retaining on street car parking. It is also proposed to provide a build out into the road, allowing for safer pedestrian crossing of Chequer Lane. This crossing point would be to the south eastern corner of the site and would serve the existing public right of right. The build out would produce a pinch point on Chequer Lane where only one vehicle could pass at any time. Signage would be erected and road markings painted to advise traffic that vehicles exiting the village have priority. Whilst this feature would be likely to cause some queuing, this would not be significant whilst the provision of a pedestrian crossing and the reduction in vehicle speeds which would result would improve highway safety. It is considered that these off-site highway works are required and should be secured by condition.
- 2.23 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. At this stage, with all matters reserved, details of car parking provision have not been provided, although the submitted Transport Assessment confirms that car parking provision would be provided in accordance with the 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.
- 2.24 Details of cycling provision within the development have not been submitted at this outline stage. However, there is no reason to doubt that adequate provision could be made, particularly having regard for the potential size of gardens, as demonstrated by the indicative masterplan.
- 2.25 KCC Highways and Transportation have requested that a number of matters are secured by condition. It is accepted that all of the requests are reasonable and appropriate and should be secured by conditions.
- 2.26 Two Public Rights of Way pass through, or are adjacent to, the site, the EE112 and EE113. The second criterion of Policy LA20 requires that these Public Rights of Way are “enhanced and incorporated in the design and layout to improve cycle

and pedestrian connections from Chequer Lane and Molland Lea". KCC PRow has commented that the footpaths shown on the indicative masterplan do not follow the alignment of the existing PRow. A revised parameter plan and revised indicative masterplan have been received which amend the alignment of the PRow through the site to accord with the Definitive PRow Map. The amended drawings also demonstrate that landscaping buffers will be provided along the routes of the PRow's, whilst the indicative layout demonstrates that the proposed development is capable of providing an attractive setting to these routes. Consequently, it is considered that the proposal would meet the second criterion of Policy LA20. The development would also be likely to significantly increase the use of these PRow's and it is therefore reasonable to require the development to provide a hard surface to routes. It is considered that it would be reasonable to include a condition on any grant of permission, requiring full details of works to the PRow's and full details of the landscape buffers to PRow to be submitted with the application for Reserved Matters.

- 2.27 Concern has been raised that the layout shown would encourage joy riding. However, as this application has been submitted in outline, with all matters (including access and layout) reserved at this stage, the submitted plans are indicative only. The detailed layout of the scheme will be assessed at the reserved matters stage, when full details will be available for consideration, and regard will be had at that stage for whether the internal road layout would design out crime and anti-social behaviour.
- 2.28 Environmental Health have requested that electric charging points for cars are provided. Whilst the NPPF states that "developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles" there is no policy within the development plan which requires such charging points. In the absence of any policy, and acknowledging that the provision of such charging facilities within a residential development would be impractical, it is not considered that it would be reasonable to require such provision.

#### Contamination

- 2.29 The application has been supported by a Phase 1 Ground Conditions Assessment, which has reviewed current and historic land uses, both on the application site and in the surrounding area. The site and its surroundings have, predominantly been in agricultural use since the earliest maps, whilst the surrounding residential uses to the south and east of the site typically date from between the 1930's to the present. Based on these uses, the report concludes that there is no reason to believe that site is contaminated, having a very low to low risk. The report has been reviewed and accepted by Environmental Health. However, as a precautionary measure, it has been requested that a condition be attached to any grant of permission requiring the reporting and remediation of any previously unidentified contamination which is discovered. A similar condition has been recommended by the Environment Agency.

#### Ecology

- 2.30 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 £3,934.49. 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.

- 2.31 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.
- 2.32 The application has been supported by an Ecological Appraisal for the site, which considers both the flora and fauna of the site.
- 2.33 The site includes plantation woodland, tall ruderal growth, semi-improved grassland and trees and hedgerows to the peripheries of the site, with cultivated land comprising the interior, and majority, of the site. No invasive species were identified. The majority of the flora on site is of low value; however, the vegetation to the northern boundary is of conservation value and should be retained. The Ecological Appraisal recommends that this vegetation is retained and provided by a landscape buffer. This could reasonably be secured by condition.
- 2.34 There are no records of Great Crested Newts in the area and there are no ponds within the application site. However, there are nine ponds within 500m of the site, five of which are to the south of the A257. The submitted report advises that, whilst these ponds could provide habitat for Great Crested Newts, the majority of the application site would be of negligible value for amphibians and the development would not, therefore, impact upon Great Crested Newts and no further surveys are required.
- 2.35 The trees, woodland and hedgerows to the peripheries of the site provide suitable habitat for birds, whilst nests were observed during the survey of the site. As such, any vegetation clearance, which has the potential to affect nesting birds, should be undertaken outside of the breeding bird season, unless the vegetation to be removed is checked by a suitably experienced ecologist in advance and any active nests protected until all broods have fledged. New landscaping should contribute towards mitigating for the loss of bird nesting habitat and bird boxes should be provided as enhancement.
- 2.36 No features of particular value for bats were observed during the survey work. Some features to the boundaries of the site provide foraging and commuting habitat for bats; however, overall the site provides low habitat suitability for bats. However, given the likelihood of bat foraging in the within the retained area of vegetation to the northern boundary, it is considered that, should permission be granted, a condition requiring full details of external lighting would appropriately ensure that bats are not unacceptably impacted by the development.
- 2.37 Whilst some areas of hedgerow on the application site could be used by dormice, these features provide sub-optimal habitat and, as such, the submitted report concludes that the site would not impact dormice.
- 2.38 The appraisal confirms that no records of badger have been identified within the vicinity of the site and no badger activity was recorded on the site. Badger are not, therefore, a constraint.
- 2.39 The peripheries of the site have some potential for reptile foraging, whilst spoil piles on the site could be used for hibernation. The site, therefore, provides

potential habitat for reptiles and, consequently, the applicants ecologist has undertaken a presence/likely absence survey. This survey concluded that the site does not support any large or important reptile population, as no reptiles were observed or recorded. Whilst there is no significant population of reptiles on site, it would be appropriate to ensure that precautions are taken during construction to ensure that individuals are not harmed. It is considered that these precautions can be secured by condition.

- 2.40 In addition to the mitigation and enhancement already identified, the submitted report recommends that new planting should comprise diverse, native species. Bat boxes and a hibernaculum should also be provided to the north of the site.
- 2.41 The Councils Principal Ecologist has confirmed that, subject to a condition being attached to any grant of permission requiring ecological enhancements, in line with those suggested within the submitted Ecological Appraisal, ecology does not present a constraint to development.

#### Contributions

- 2.42 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 has confirmed that the development can support the delivery of this affordable housing, which will be provided on-site. A condition should be attached to any grant of permission requiring a detailed scheme for the provision of affordable housing to be submitted for approval.
- 2.43 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. Whilst the development would provide pockets of open space, there is an existing play area within 150m of the site and so it would be undesirable to provide another play area on site. Furthermore, the areas of open space would be relatively small and not suited to providing strategic Open Space infrastructure, as required by Policy DM27. Accordingly, the Principal Infrastructure and Delivery Officer has advised that contributions should be sought for the off-site provision of infrastructure. In this instance, given the scale of development, the application would give rise to a need to provide a local area of play, the commuted cost of providing such an infrastructure project is £43,512. The development would also give rise to a need to provide outdoor sports facilities, a scaled contribution for which would amount to £28,000. The applicant has provided a heads of terms agreeing to such contributions. Subject to the provision of these contributions being secured by legal agreement, the development would therefore meet the requirements of Policy DM27.
- 2.44 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 £212,486.40 has been requested from this application to meet the need identified. KCC have also requested a contribution of £212,382.00 for the expansion of Sir Roger Manwoods,

which is a nearby secondary school, a contribution of £4,321.42 towards increasing the capacity of Ash Library, a contribution of £2,307.50 be provided to pay for portable equipment for new learners classes at Cartwright and Kelsey CE Primary School and £6,986.70 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.

- 2.45 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 216 new patients and, as such, a proportionate contribution from the development would be £16,990. The applicant has agreed to provide this contribution.

#### Flood Risk and Drainage

- 2.46 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 localised on or off-site flooding.
- 2.47 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.
- 2.48 The submitted Flood Risk Assessment details the existing hydrology of the site and provides an outline drainage strategy. The site is currently undeveloped, with surface water being drained within the site naturally. Infiltration tests have been carried out which have demonstrated that surface water infiltration is feasible on the site as the head deposits of clay are relatively shallow. Consequently, the outline drainage strategy proposed to provide permeable paving to all private roads and drives and provide individual soakaways within the gardens of each property, which would accommodate water from roofs. Impermeable areas within the site, such as public roadways, would drain to an attenuation pond located to the south eastern corner of the site. The submitted outline drainage strategy demonstrates that the surface water run-off of a 1 in 100 year storm event, adjusted for climate change, could be accommodated, without increasing the risk of flooding on site or elsewhere. Notwithstanding this, it is considered that it would be reasonable to include a condition on any grant of permission requiring full details of the final surface water drainage scheme, together with details of its maintenance and a timetable for its implementation.
- 2.49 Criterion 5 of Policy LA20 requires that the development provides a connection to the sewerage system at the nearest point of adequate capacity. The application has been supported by a Utilities Appraisal, which has assessed the ability of the local sewerage infrastructure to meet the needs of the development. This appraisal is supported by level 1 and level 2 capacity checks, which have confirmed that the existing network will require upgrading in order to provide the additional capacity

required to meet the needs of the development. Consideration was given to providing on-site foul storage; however, this solution was found to be unfeasible. The improvement works suggested by the level 2 study comprise the provision of offline storage and upsizing an existing sewer in The Street from 225mm to 300mm.

- 2.50 In common with the submitted utilities appraisal, Southern Water have advised that the existing sewerage infrastructure cannot meet the needs of the development without providing improvements to the local infrastructure. A condition, requiring full details of the sewerage infrastructure improvements, which would include a timetable for the provision of these improvements, has been recommended. Subject to the imposition of such a condition, it is considered that the application has demonstrated that sewerage can be appropriately dealt with, without increasing the risk of localised flooding.

#### Other Matters

- 2.51 Concern has been raised that the development would necessitate the loss of the scout hut, which is located to the south of the site in a yard accessed from Molland Lea. The indicative masterplan submitted with the application suggested that an emergency access to the site could be routed via this yard to Molland Lea; however, whilst this option would accord with Policy LA20, the indicative masterplan and parameter plan have been amended to propose that both the primary access and the emergency access would both be from Chequer Lane. This option also accords with Policy LA20. As such, the development would not directly or indirectly, impact upon the existing scout hut.
- 2.52 Concern has also been raised regarding the loss of best and most versatile agricultural land. Whilst the development would lead to the loss of approximately 3ha of Grade 2 agricultural land, which is considered to be 'best and most versatile', this loss was accepted when the site was allocated for inclusion in the Land Allocations Local Plan.

#### Overall Conclusions

- 2.53 The site lies within the settlement boundaries on land which is allocated by Policy LA20 of the Land Allocations Local Plan for residential development of up to 90 dwellings. It is therefore considered that the principle of the development is acceptable. Furthermore, weight must be given in favour of the development by virtue of the council's lack of a five year housing land supply.
- 2.54 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 includes for the provision of affordable housing 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. For these reasons, 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) affordable housing scheme; (iv) previously unidentified contamination, v) no infiltration of surface water other than that which is agreed; 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 landscape buffer zones to northern and western boundaries; xii) full details of works to the Public Rights of Way (EE112 and EE113); xiii) full details of landscaping; xiv) details of boundary treatments; xv) archaeology; xvi) reserved matters to include sections of through the application site and adjoining land, floor levels and thresholds, roof heights, samples of materials and street scenes; 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 prevent 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