

- a) **DOV/19/01462 – Outline application for the erection of up to 76 dwellings (all matters reserved except for access – Land north of Orchard View and west of Saunders Lane, Ash**

Reason for report – Number of contrary views and called in by Cllr Bartlett

- b) **Summary of Recommendation**

Outline planning permission to be approved.

- c) **Planning Policy and Guidance**

Legislation

Planning and Compulsory Purchase Act 2004

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.

Planning (Listed Buildings and Conservation Areas) Act 1990

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

CP3 - Distribution of Housing Allocations

CP4 - Housing Quality, Mix, Density and Design

CP6 - Infrastructure

DM1 - Settlement Boundaries

DM5 - Provision of Affordable housing

DM11 - Location of Development and Managing Travel Demand

DM12 - Road Hierarchy and Development

DM13 - Parking Provision

DM15 - Protection of Countryside

DM16 - Landscape Character

DM17 - Groundwater Source Protection

Land Allocations Local Plan (2015)

DM27 - Providing Open Space

National Planning Policy Framework (NPPF) (2019)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 - Identifies the three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.

Paragraph 11 - Presumption in favour of sustainable development for decision-taking. For decision taking this means approving development proposals that accord with the development plan without delay unless adverse impacts significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

Paragraph 38 - LPA's should approach decisions on proposed development in a positive and creative way and work pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision makers should seek to approve applications for sustainable development where possible.

Paragraph 59 – To support the Governments objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 78 – To promote sustainable development in rural areas, housing should be located where it will enhance the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Paragraph 108 – Applications for development should make appropriate opportunities to promote sustainable transport modes, provide that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network in terms of capacity and congestion) or on highway safety can be mitigated.

Paragraph 109 - Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 117 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 122 – Planning policies and decisions should support development that makes efficient use of land, taking into account (amongst other considerations) the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places.

Paragraph 123 – Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

Paragraph 124 – The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 – Planning decisions should ensure that developments:

Will function well and add to the overall quality of the area, for the lifetime of the development;

Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where the fear of crime does not undermine the quality of life.

Paragraph 128 – Design quality should be considered throughout the evolution and assessment of individual proposals. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably.

Paragraph 130 – Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards.

Paragraph 148 – The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, support renewable and low carbon energy and associated infrastructure.

Paragraph 163 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 170 - Planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air,

water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the principles to conserve and enhance biodiversity and development proposals where the primary objective is to conserve or enhance biodiversity should be permitted, opportunities to incorporate biodiversity in and around developments should be encouraged and planning permission should be refused for development resulting in the significant loss or deterioration of irreplaceable habitats, including SSSI's, ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Paragraph 177 – The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes noise from new development and the need to avoid noise giving rise to significant adverse impacts on health and the quality of life, identify and protect tranquil areas prized for their recreational and amenity value and limit the impact of light and pollution for artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Design Guide (2019)

DDC Affordable Housing and Addendum SPD (2011)

Draft Ash Neighbourhood Plan (Consultation Document) 2019

Kent Design Guide (2005)

d) **Relevant Planning History**

No relevant recent planning history.

e) **Consultee and Third-Party Responses**

DDC Infrastructure:

Policy CP 6 of the DDC Local Development Framework Core Strategy 2010 (the Core Strategy) states that development that generates a demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed.

Additional need arising from residential developments is calculated using average occupancy rates.

Where the application is in outline and the final housing mix is not known, a policy compliant mix across all tenures is assumed for indicative purposes only. On this basis an indicative 203.96 new residents will be generated by the proposed development on the following basis.

Accessible Green Space

Applying the adopted DM27 requirement of 2.22 ha per 1,000 population against the anticipated number of new residents generates an overall accessible green space requirement of 0.453 ha. The indicative site layout shows Accessible Green Space is to be provided on site.

An area of on-site accessible green space should be secured as part of the site layout at the reserved matters stage. The amount required will be dependent on the final agreed mix of housing applying the 2.22 ha per 1,000 population requirements of DM27. Based upon the indicative layout this should be no less than 0.453 ha. Provision and long-term maintenance/management of the accessible green space should be secured within the legal agreement.

Outdoor Sports Facilities

Applying the adopted DM27 requirement 1.17 ha of natural grass playing pitches per 1,000 against the anticipated number of new residents generates an overall outdoor sports facility requirement of 0.24 ha. On site provision would be impractical on a site of this size. An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant.

An appropriate off-site contribution is therefore necessary for this site to be considered policy compliant. Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The most up-to-date Sport England Facilities cost guidance advises a natural turf senior pitch is 0.7420 ha in size and has a capital cost of £100,000. The 0.24 ha natural grass playing pitch need generated by the proposed development equates to 32.16% of a natural turf senior pitch which equates to a proportionate offsite contribution of £32,160.69.

Improving the changing facilities at Ash Recreation Ground has previously been identified as a priority and continues to be so within work being undertaken as part of the update to Dover's Playing Pitch strategy. Two applications within Ash have secured funding for ancillary facilities at Ash Recreation ground, namely £28,000 from DOV/16/01049 land at Chequer Lane and £10,900 from DOV/16/01247 Land at White Post Farm though there remains a funding gap to fulfil this project.

A proportionate contribution, which would be £32,160.69 based upon the indicative housing mix for this scheme and most up-to-date Sport England Facilities cost guidance, should therefore be sought towards improvement of the changing facilities at the existing sports pavilion at Ash Recreation Ground.

Children's Equipped Play Space

Applying the adopted DM27 requirement of 0.06 ha per 1,000 population against the anticipated number of new residents generates an overall children's equipped play space requirement of 0.012 ha. This site falls outside of the accessibility requirements of DM27. On-site provision would usually be sought in the first instance though this

has not been proposed by the applicant. To help overcome this policy objection, an off-site contribution could be sought.

Appropriate offsite contributions are calculated by working out the proportion of a complete facility required to meet the additional need. The average size of equipped play provision within the district being 0.0158 ha, the average capital cost being £ 42,520. The 0.0012 Ha children's equipped play space requirement generated by the proposed development equates to 77.45% of equipped play provision which equates to a proportionate offsite contribution of £32,932.96 based upon the submitted housing mix.

Ash Parish Council are undertaking a phased update to the Ash Recreation Ground Play Area and have required further funding for the second phase of this project. The cost of the first phase. The offsite contribution should therefore be secured to enhance the equipped play provision at Ash Recreation Ground

Thanet Coast and Sandwich Bay Special Protection Area Mitigation Strategy

The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites. The strategy requires all development of 15 units or above to make an appropriate contribution. An appropriate off-site contribution of an indicative £4,476.68 is therefore necessary for this site to be considered policy compliant.

Monitoring Fee

The introduction of revised CIL regulations in September 2019 has confirmed that a local planning authority is entitled to levy a monitoring fee to cover the costs of monitoring planning obligations within Section 106 agreements, which are now specifically exempted from the requirements of CIL Regulation 122. A monitoring fee of £236 per trigger event should be sought.

DDC Ecology

The report suggests a number of mitigation measures and enhancements to the biodiversity of the site. The former include:

- A bat sensitive lighting scheme. (this should follow the guidelines produced by the Bat Conservation Trust & the Institute of Lighting professionals)
- Vegetation clearance outside of the bird nesting season
- Habitat manipulation followed by installation of reptile fencing to discourage and then prevent use of the construction site by reptile species
- Replacement of trees lost to development on a one to one basis.
- Garden fencing to include 15 cm diameter gaps at the bases to allow movement of hedgehogs
- Creation of a swale of a larger size than the currently dry pond.

Enhancements include:

- Installation of bird and bat boxes
- Hedgerow planting using native species

- Lawn areas to include a wild flower mix, such as EM1 from Emorsgate seeds.
- Soft landscaping using native fruit producing varieties of shrubs.

All of the above should be set out in a biodiversity enhancement plan which should form a condition of any planning consent

My previous comments requested a biodiversity enhancement plan, based on the suggestions made in the PEA. I have also looked at the Design and Access statement, particularly the section on climate change mitigation. I would suggest that the applicant gives strong consideration to water efficiency measures such as rain water harvesting as well as the construction of highly energy efficient buildings.

DDC Housing

There is a need for affordable housing of all types and tenures across the District, and particularly in rural areas. The application proposes 23 affordable homes, and 53 homes for market sale. This is within the required % of affordable housing, and if the final numbers change the overall % of affordable housing should also change to ensure it does not fall below 30%. Of the 30%, 70% should be for affordable rent and 30% for shared ownership. In this instance this would be 16 and 7.

In relation to the affordable rented properties, we have a need and demand for properties of all sizes, but particularly require 1 and 2 bedroom flats, so would request that some units of these sizes are included in the final designs. In relation to shared ownership properties, this tenure is most ideally suited to first time buyers and the greatest demand within the District is for 2 bedroom houses, particularly in the rural areas. We would, therefore, prefer to see 2 bedroom houses used for Shared Ownership, and whilst one or two 3 bedroom houses may be included, we advise against the extensive use of larger properties, on ground of affordability and meeting the eligibility criteria.

DDC Environmental Health

Air Quality/Noise: The development is unlikely to have a significant impact on local air quality a stand-alone air quality assessment is not required for this development. However, for the construction phase, due the close proximity of existing residential properties, a suitable condition for a construction management plan is recommended.

Electric Vehicle Recharging Facilities: I note there is no mention of electric vehicle re-charging facilities in private dwellings and car parks in the application. The UK Government has confirmed that it will end the sale of all new conventional petrol and diesel cars and vans by 2040 as part of the plan to tackle air pollution and by 2050 there will be zero emissions by vehicles in the UK. To that end,

Paragraph 105 of the National Planning Policy Framework (NPPF) states: "If setting local parking standards for residential and non-residential development, policies should take into account.....e) The need to ensure an adequate provision of spaces for charging plugin and other ultra-low emission vehicles."

Furthermore in 2018, the government published the [Road to Zero](#) strategy whereby the government set out its intention for all new homes to be EV ready. To that end the government is now consulting on EV Charging in Residential and Non-residential Buildings July 2019. I would therefore recommend that a suitable condition is included in any decision notice that secures electric vehicle recharging infrastructure.

Contaminated Land: I note the conclusions of Phase 1 desk study (Floodrisk UK Nov 2019) and confirm a stage 2 intrusive survey is required. I therefore recommend relevant conditions.

I note additional documents submitted in respect of this application. As far as I can ascertain, there are no additional document for EH to assess, however I note statement in letter AAH Planning (4th May 2020):

Further to the response of the Environmental Health Officer and in line with best practice, we can confirm we are content with a condition requiring installation of electric vehicle charging points for each property. Details for the provision of any charging points should be required by planning condition.

DDC Waste Services: I have studied the planning application and can see that under section 14 for Waste Storage and Collection the developer has not given consideration to incorporate any areas to store and aid the collection of waste not for separate storage and collection of recyclable waste. I have looked at the site location plan and can see some potential issues.

DDC operates an alternating fortnightly refuse and recycling collection. Each property must be able to accommodate at least a standard bin set. The developer needs to be made aware that it is Dover Council policy to charge for wheelie bin sets and that all bin sets must be purchased by the developer before the future residents move in. An individual bin set currently costs £77.47 but this is subject to change.

I have concerns that the 26 ton collection freighter may not be able to gain enough 'Swing' to access the site from Sandwich Road as the entrance shown may not be wide enough. DDC operates a boundary collection system. Future residents will be required to present their bins at the property boundary so that the collection freighter can pass by to empty the bins.

Looking at the drawing there are concerns that the freighter will not be able to access all parts of the development due to narrow corners. These do need to be wide enough and clear of parked cars as this will stop collections being made. These concerns are particularly relevant to the 'private drive' sections.

KCC Highways

I refer to the Addendum Transport Information submitted for the above and would comment as follows:

1. The full count data for the Sandwich Road automatic counts and the manual count at the Sandwich Road/A257 junction should be submitted.
2. Based on the speed data submitted the forward visibility currently shown for a driver approaching a vehicle waiting to turn right into the access is less than the absolute minimum of 77 metres required. This visibility is also measured incorrectly from the centre line of the road rather than 1.5 metres from the offside edge of carriageway where a driver would typically be positioned, which appears may reduce the visibility further. However, I note that the plan shows an assumed highway boundary and the applicant has not sought clarification of the considered highway boundary from our Highway Definition Team. I also note the plan is not based on a topographical survey. The above matters should therefore be resolved and an accurate plan showing the visibility provided.
3. As previously requested visibility splays are also required in both directions from the site access to the tangent points of the nearside curves in Sandwich Road.

4. All the required visibility splays should be over land within the control of the applicant and/or the highway authority.

5. The assessment of the Sandwich Road/A257 junction does not appear to include any HGV movements. It also appears that count data is used without conversion to PCU's. These matters should be clarified and the assessment reviewed accordingly.

6. I note the comments regarding the secondary emergency access, however I note that the Fire Service have not been consulted as previously advised.

7. The alternative location for the proposed pedestrian crossing point in Sandwich Road is not acceptable as it appears visibility would be restricted by parked cars. As previously suggested the crossing should be located where PROW EE466/1 meets Sandwich Road just to the east of Cherry Garden Lane. A safety audit and designer's response to any issues raised will be required for the crossing point.

Maintain a holding objection until the above matters have been satisfactorily resolved.

I refer to the additional information submitted for the above on 6th May and confirm the proposed site access arrangements are now acceptable.

The proposed pedestrian crossing point shown in Sandwich Road opposite PROW EE466/1 is acceptable in principle, however it needs to include a footway connection to the end of the existing paved footway on the northern side. The proposed highway alterations including the crossing point and site access also require a safety audit and designer's response.

I refer to the Stage 1 Road Safety Audit Response Report submitted for the above on 12th June and concur most issues can be dealt with through the detailed design process and/or cutting back of vegetation. However, I would comment further on three particular items as follows:

However, as greater forward visibility than that shown is not available over land within the control of the applicant and/or the highway authority, the applicant should explore mitigation measures. I suggest the provision of road widening/a right turn lane to allow east bound vehicles to pass a vehicle waiting to turn right into the site, together with advanced warning signage and road markings on the eastbound approach to the junction.

The existing footway outside 44 The Street is part of the public highway and the highway boundary continues eastwards from the back of the footway into the adjacent land, where the highway verge then widens and encompasses the end of Public Bridleway EE466. A suitable connection from the proposed crossing point to the existing footway outside 44 Sandwich Road can therefore be provided within the public highway.

The existing footway on the south side of Sandwich Road provides the pedestrian route towards the village, however this footway ceases to the west of Gardners Close and there is no facility to cross to the existing footway on the northern side. This has generated the need for the crossing point just to the east of Cherry Garden Lane as discussed and this will provide a continuous, segregated pedestrian route between the application site and the village. Therefore, whilst the existing crossing point at the Cherry Garden Lane junction is not ideal, the development is unlikely to generate a material increase in use of the same and improvements to it cannot reasonably be required of the applicant.

I refer to the amended plans and safety audit submitted for the above on 24th June and 6th July, and confirm the proposals are now acceptable in highway terms.

The proposals are likely to generate approximately 48 two-way vehicle movements during the network peak hours, with the vast majority of these (approximately 43) being to/from the A256. Whilst a small number of trips to/from the primary school may be generated through the village, these will not be significant and may in any case be offset by a reduction in potential trips associated with pupils living further afield, as school places are instead taken up by residents on the proposed development. The impact of the additional trips at the Sandwich Road/A257 Ash Bypass junction has been assessed and the impact is acceptable. Consideration has also been given to the additional trips likely to be generated through this junction from the permitted White Post Farm site (37 dwellings) and the application further along Sandwich Road (37 units), and the impact at the junction is still acceptable. The access arrangements in Sandwich Road have been assessed and amended to resolve issues raised in the safety audits. The revised proposals include a right turn lane at the site access and by default, a right turn lane at the existing adjacent Collar Makers Green access. The spacing of the proposed site access and Collar Makers Green access are acceptable and in accordance with current guidance. Acceptable visibility is available at the site access in accordance with measured speeds and current guidance, and visibility splays across highway verges can be maintained by the highway authority as is standard practice. The applicant also proposes to reduce the existing 60 mph speed limit to 40 mph between the A257 Ash Bypass and the existing 30 mph limit further to the west in Sandwich Road, and the measured speeds indicate that this is feasible. The level difference at the site access is noted, however the applicant has demonstrated that a suitable access can be achieved in highway terms and the detailed design of the same can be dealt with both through a reserved matters application and the road adoption agreement process. The Fire Service have confirmed that the single access from Sandwich Road is acceptable, and therefore the proposed connection from the site to New Street can be for pedestrians and cyclists only.

The existing footway on the south side of Sandwich Road provides the pedestrian route towards the village, however this footway ceases to the west of Gardners Close and there is no facility to cross to the existing footway on the northern side. The proposals therefore include an informal crossing point with dropped kerbs, tactile paving and suitable visibility where PROW EE466/1 meets Sandwich Road within the existing 30 mph limit, together with a new section of footway linking the crossing point to the existing footway on the north side of Sandwich Road. These improvements can be achieved within the highway boundary and will provide a continuous, segregated pedestrian route between the application site and the village. These proposals have also been subject to a safety audit and amendments made as necessary. The detailed design can again be dealt with both through a reserved matters application and the highway agreement process. Whilst the existing crossing point across the Cherry Garden Lane junction is not ideal, the development is unlikely to generate a material increase in use of the same and improvements to it cannot reasonably be required of the applicant, particularly bearing in mind the mitigation measures (new crossing) proposed. The routing of HGV's associated with construction and other related matters can be dealt with through a Construction Management Plan, including a requirement that such vehicles should only route to/from the north of the site via the A257. As only access is for consideration at this time, the detailed site layout, parking provision, etc. can be assessed in a future reserved matters application.

Taking all of the above into account, the proposals are unlikely to have a severe impact on the highway network and, with the proposed mitigation measures, safe access is

provided in accordance with the NPPF. I would therefore not recommend refusal in respect of highway matters subject to highway conditions being secured.

I would also ask that electric vehicle charging points are provided as follows: Dwellings with On-Plot Parking: 1 Active Charging Point per dwelling minimum output rating 7kW. Dwellings with unallocated communal parking: 10% Active Charging Spaces and 100% Passive Charging Spaces.

KCC East Kent PROW

Public footpath EE108A runs to the eastern edge of the proposed development. The existence of the Public Right of Way (PROW) is a material consideration. The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of a PROW.

I refer to points 5.42, 5.43 and 5.44 of the Planning Supporting Statement which mentions PROW EE108A. The proposal is to link the PROW to the development. I would welcome the opportunity to discuss improvements to the dreadful condition of the current PROW. When Collar Makers Green was built it constricted the footpath between its house's boundary fences and walls and the bank of the above proposed development site. In the context of the PROW this is bad design and had a significant detrimental effect on the footpath. The land to the proposed site is higher than the footpath and this has created a narrow corridor without street lighting. In addition to this point; trees fall from the bank of the site regularly and obstruct the footpath. This application would only exacerbate the enclose nature of the footpath and would not meet Kent Design guidance.

In line with Kent Design guidance, walking and cycling provision should not be confined behind rear gardens and should be overlooked by adjoining property to help facilitate a safer environment for path users. The proposed close board fencing along the boundary of footpath EE461 would create an unpleasant environment that could potentially facilitate anti-social behaviour. Through best practice design we will seek to ensure all pedestrian areas will be well lit and constructed of materials that are aesthetically pleasing, easy to move upon and give particular consideration to the aged and disabled. Could the applicant provide more detail of the plans for the gardens that back onto the PROW shown on the Indicative Site Layout plan. If the intention is to install closeboard fencing, then I would have to object to the application as it stands because the path would be an unbearably closed passage. I would encourage the developer to consider discussing with The PROW and Access Service how we can improve this PROW. To enhance public enjoyment and for residents of both Collarmakers Green and the new development.

KCC Archaeology

The proposed development site occupies an area of slightly elevated ground and part of the head of a small valley, with springs, that feed into the Goshall Stream and thence into the River Stour. The lower parts of the Goshall Valley are represented by reclaimed land that was once part of the Wantsum Channel, an open sea-channel that separated the Isle of Thanet from "mainland" Kent. The Goshall Stream joins with the River Stour just south of the nationally important Roman site of Richborough, which originally sat on an island at the eastern end of the Wantsum. The proposed development is therefore situated in a location that topographically may have been favourable for past occupation and activity, benefitting from a nearby water source and with ready access to a range of natural resources, habitats and transport routes. There is good evidence for archaeologically activity along the edges of the Wantsum and adjoining higher ground in the Ash area from the Prehistoric period onwards,

particularly in the Romano-British period. A network of possible and probable Roman roads extend from Richborough, with routes heading towards Canterbury, Dover and Sandwich Haven. Romano-British settlement is known to the west at the former Puma Power Plant site in Ash and to the east near Each End. The site of a possible, although archaeologically unproven, Roman villa is located less than 150m to the north-east of the site.

The application is accompanied by Heritage Assessment and a geophysical survey report. The geophysical survey report did not positively identify any archaeological remains within the application site, however, as acknowledged in the report, there can be varying factors which affect the success, or otherwise, of such survey. A negative survey response does not necessarily mean that there is an absence of archaeological remains, only that the survey was not successful in identifying such features. In addition, I would note that there are some categories of archaeological remains, potentially including remains of high significance, that do not readily lend themselves to identification through geophysical survey. I would therefore suggest, contrary to the applicant's Heritage Assessment, that the potential for archaeological remains, including remains of greater than local significance, cannot yet be ruled out. Furthermore, I would note that the geophysical survey could only access part of the application site, with the site being described as measuring some 3.4 hectares in the Design & Access Statement, of which approximately 1.2 hectares (35%) was subject to geophysical survey.

I therefore suggest that the proposed development has the potential to impact remains of archaeological interest. I recommend that provision be made in any forthcoming planning consent for a programme of archaeological work. This can be covered by a planning condition.

KCC LLFA

Kent County Council as Lead Local Flood Authority have the following comments:

Having reviewed the information we are generally satisfied with the principles proposed for dealing with surface water, primarily via infiltration and should this prove to be unfeasible then via a connection to the existing watercourse to the North of the site at a rate not greater than existing.

At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017). The proposed design is based upon an FSR value of 20.7mm and so we will require this to be amended but feel that sufficient space exists on site to accommodate any additional attenuation that may be required.

The design is also based on an assumed infiltration rate of 0.00014m/s, we would emphasize that additional ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any infiltration features will have an appropriate half drain time. Should you as LPA be minded to grant permission we would recommend that appropriate conditions are applied.

KCC Economic Development

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional

impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.

Request Summary

Secondary Education

Per dwelling £4,115.00/Per flat £1029.00

Total: £312,740.00

Contribution towards the expansion of the Sir Roger Manwood Secondary School

Community Learning

Per dwelling £16.42

Total: £1,247.92

Contribution towards portable equipment for additional classes for the new learners in Sandwich

Youth Service

Per dwelling £65.50

Total: £4,978.00

Contribution towards additional resources for the Youth service within the District, including the Linwood Youth Hub at Deal

Library Bookstock

Per dwelling £55.45

Total: £4,214.20

Towards additional services and stock for the local Library in Ash

Social Care

Per dwelling £146.88

Total: £11,162.88

Towards Specialist care accommodation within the Dover District

All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

Waste

Per dwelling £237.54

Total: £18,053.04

Towards new works at WTS and HWRC to increase capacity

Broadband:

Condition recommended

Justification for Infrastructure Provision/Development Contributions Requested

Secondary School Provision: A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the Sir Roger Manwood Secondary School. The new secondary school accommodation will be provided through the expansions of the Sir Roger Manwood Secondary School and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Community Learning: There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, along with cost of mitigation. To accommodate the increased demand on KCC Adult Education service, the County Council requests £16.42 per dwelling towards the cost of providing portable equipment for additional classes for the new learners in Sandwich.

Libraries: KCC are the statutory library authority. The Local Government Act 1972 requires KCC to take proper care of its libraries and archives. Borrower numbers are in excess of capacity, and bookstock in Dover District at 1,009 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively. To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these Dwellings.

The County Council therefore requests £55.45 per household to address the direct impact of this development, and the additional services and stock will be made available locally at Ash Library, as and when the monies are received.

Youth Service: To accommodate the increased demand on KCC services the County Council requests £65.50 per dwelling towards additional resources for the Youth service locally, including the Lynwood Youth Hub.

Social Care: The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments. To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of £146.88 per household towards specialist care accommodation locally in the Borough.

Waste: Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. Existing HWRC's and WTS's will be over capacity by 2020 and additional housing has a significant impact on the manageability of waste in Kent.

A contribution of £237.54 per household is required towards improvements at both WTS and HWRC's within Dover District to increase capacity due to housing growth and mitigate the impact from this development.

Broadband: Fibre to the premise/gigabit capable. The NPPF (para 112) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Kent Fire and Rescue

I can confirm that it is my opinion that the offsite access requirements (from Sandwich Road) have been met. I note that the Planning Supporting Statement states that the site layout is indicative only. It is my opinion that the indicative site layout will not satisfy access requirements in the current design.

Kent Police

The DAS (Design and Access Statement) refers to Designing Out Crime. We strongly recommend that the application attains Secured By Design (SBD) to demonstrate that the potential for crime has been addressed and suggest the applicant /agent see Homes 2019 on the Secured SBD website: www.securedbydesign.com. To meet basic level requirements, doorsets and windows must to be certified by an approved independent third-party certification body e.g. (UKAS) in the name of the final manufacturer/fabricator. This requirement exceeds the requirements of Building Reg ADQ.

Although this is only an outline application, there are some concerns that should be addressed as some statements within the DAS points are not yet in line with designing out crime procedures. If this application is to be approved we strongly request a Condition be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Permeability to be controlled to avoid Anti-Social use across development or its boundaries. Any emergency access must be designed to ensure it avoids misuse and hampering of policing. If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles (3.7m) and have lockable barriers.

2. Opening the site for amenity space for the whole community (pg. 18 of the DAS) highlights some concerns, e.g.

- Access and movement: places with well-defined routes, spaces and entrances that provide for convenient movement without compromising security;
- Ownership: places that promote a sense of ownership, respect, territorial responsibility and community;

Activity: places where the level of human activity is appropriate to the location and creates a sense of security at all times;

3. Perimeter, boundary and divisional treatments are required and to include same height fully lockable gates to the front of residences to avoid creating recesses. Rear and side of 1.8m min (trellis on a 1.6 is acceptable here) and front gardens, especially for corner properties need max 1m high boundary treatment to avoid desire lines and provide defensible space.

4. Parking to have maximum natural surveillance opportunities. There are areas of concern in the plan at this stage and the potential for car crime must be addressed. Communal parking areas should be close to homes with "active" ground floor windows overlooking them and only in small blocks. SBD state that "Rear parking courtyards are discouraged as: They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated; In private developments such areas are often left unlit and therefore increase the fear of crime; Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour." For garages we strongly advise that the security of the garage meets the same physical, locking and fixing specification as the residences. Visitor parking also requires maximum natural surveillance.

5. We recommend that the lighting plan to be approved by a Member of the ILP or the Society of Light and Lighting. We often find that where areas lack appropriate lighting, homeowners install security lighting that can detrimentally affect a developments lighting plan and cause light pollution, therefore a lighting plan should be designed to provide necessary lighting for security without damaging lighting policy or increasing light pollution.

6. Doorsets should meet PAS 24: 2016 UKAS certified standard. Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard.

This advice focuses on CPTED and Community Safety with regard to this specific planning application. We have reviewed the revised plans in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

The potential buffer zone to the PROW is a concern. By removing the existing vegetation and adding low level lighting this would effectively create a route behind rear garden fences. It could "open up" rear access to properties and this type of design has been proven to generate crime. We cannot recommend approval for this element of the application in this format.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction suite" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

River Stour Internal Drainage Board

Whilst this site is located outside of the River Stour (Kent) IDB's district it does drain to it, potentially via a number of ordinary watercourses. The proposal therefore has the potential to affect IDB interests, downstream flood risk in particular. As with all development proposals, in relation to surface water drainage, efforts should be made to replicate Greenfield conditions; in respect of drainage routes and flow rates, and as close to source as possible. It is requested that the use of open SuDS (such as swales

and ponds) is maximised (in preference to closed underground systems such as oversized pipes and crates). As well as improving water quality, open SuDS also improve local amenity and biodiversity.

The development of land inevitably results in a larger volume of runoff, when compared to the undeveloped site. In order to ensure that downstream flood risk is not exacerbated by this and positive drainage, the IDB would seek to have all runoff, for a full range of storm events (up to and including the 100 year storm + 40% for the predicted effects of Climate Change), limited to less than calculated Greenfield rates, or ideally Qbar (the calculated runoff rate for a return period of approx. 1 in 2yrs). It will also be important to ensure that the downstream receiving network, including any culverts, is capable of receiving this runoff without increasing local flood risk. Provided the above is implemented, with details of the on-site SuDS agreed with KCC's SuDS Team, IDB interests should not be adversely affected.

Environment Agency

The previous use of the proposed development site as agricultural land and presence of historical landfill on site and its vicinity present a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A in area of high groundwater vulnerability. The application's "Phase 1 Contamination Study Land Off Saunders Lane, Ash" demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Southern Water

The exact position of the public water main must be determined on site by the applicant.

- No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
- No new soakaways should be located within 5 metres of a public water main.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and Sewers for Adoption with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers and rising mains and water mains.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer

network. This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following: - Initial feasibility, detail modelling and preliminary estimates - Flow monitoring (If required) - Detail design, including land negotiations - Construction.

Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Following initial investigations, Southern Water can provide a water supply to the site.

Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

NHS CCG

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

General Practice £59,820 Towards creating the required capacity in the locality as supported via the plans being developed with Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network.

Justification: This proposal will generate approximately 182 new patient registrations when using an average occupancy of 2.4 people per dwelling. The proposed development falls within the current practice boundary of Ash Surgery and Sandwich Medical Practice who are part of both the Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises; this is highlighted in the CCG GP Estates Strategy. General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

Both the Coastal and Rural East Primary Care Network and Deal and Sandwich Primary Care Network are developing collaborative plans to provide the required capacity for the additional patients as at present there is not capacity to service these patients. The population growth of 182 will require 15.2 m² based on NHS standard of 12 patients per square metre. At current build costs of £3,000 psm this equates to £45,600. A further 30% allowance for development fees means our request totals £59,280.

Stagecoach

Whilst we would expect the proposed development to generate some welcome increase in bus usage, this can be accommodated with the existing level of service. The proposed development would be served by the existing bus stops at Collar Makers Green, which are an acceptable distance from the development. However, these are rather basic and in order to encourage greater use of bus services as an alternative to car use, we consider that development contributions be sought to bring these stops up to an acceptable standard, with the provision of shelters. It should be noted that the provision of shelters is the responsibility of either the District Council or the Parish Council. The contributions should therefore include an element to cover ongoing maintenance costs of the shelters.

We are also concerned about the number of actual local car trips to and from the convenience stores in Ash Village Centre, where the availability of short term parking capacity is already overstretched, and causes delays and disruption to our bus services passing through Ash. Opportunities to address this are rather limited and solutions would probably be the provision of more off street spaces. We suggest that contributions are also sought towards this, and believe that this approach would be supported by the Parish Council. We also note that the proposed development site is not included in the latest Ash Neighbourhood Plan.

Ash Parish Council –

Ash Parish Council objects for the following reasons:

- i) It is outside the village settlement boundary. The draft Ash NDP has not allocated the site. It was categorised as unsuitable for development and is not required to meet the housing need assessment

- ii) Ecological survey was insufficient to gain a full understanding of the habitat and the numbers of protected species that have been recorded on the site. The woodland was not acknowledged as a UK Priority Type
- iii) There is holding objection from KCC Highways Department
- iv) Access from Sandwich Rd is approximately 3.5 metres lower than the road level. The infill required will impact neighbouring properties by flooding/ground instability.
- v) Access is adjacent to a Grade II Listed building and will have a detrimental impact on the stability of access from Sandwich Rd is approximately 3.5 metres lower than the road level.
- v) Access is adjacent to a Grade II Listed building and will have a detrimental impact on the stability of the property, the visual amenity and character of the area
- vi) The site is approx 2-3 metres above the adjacent properties on the boundary with Collar Makers Green. This will have a detrimental impact by the houses and gardens being in shade for approx 9 months of the year. The houses will be overlooked with a loss of privacy and visual amenity
- vii) The existing drainage arrangements for Collar Makers Green, the underground stream, the impact on the pond area and the risk of run-off flooding are high
- viii) Sandwich Rd has an open speed road limit and the volume of traffic will cause safety issues for traffic accessing and leaving the site and congestion at the A257 junction. There is insufficient room for safe visual splays between the road into Collar Makers Green and Saunders Lane
- ix) Traffic movement for 76 houses, with travel for work and school outside of walking distances will generate at least 76 vehicle movements both AM and PM
- x) The emergency access via New Street is narrow and unsuitable.

Ash Parish Council considered the revised documents and noted that some points from its submission in February had been addressed.

- the access via New Street would not be used as an emergency access
- the change to three bungalows on the south west corner of the site and the 6 m open space area on the north west boundary had partially addressed overlooking issues

However, the other objections remain. Additionally, the parish council want to make the following points:

- i) While the progress of the Ash NDP has been delayed due to COVID-19, the Plan has undergone extensive public consultation on this and the other sites submitted to Dover District Council. The parish council would suggest that the draft plan is sufficiently advanced to inform the assessment of material consideration. Further, the Habitat Regulations Assessment currently being undertaken for Ash has identified that there is the possibility of unacceptable traffic-related air quality impacts on the adjacent Sandwich Bay SAC from the increased traffic from the existing allocations. A report on the cumulative impact from the additional traffic-related air quality impact contributed from this site should be required.
- ii) The issues of overshadowing, loss of privacy and amenity for the residents along the boundary with Collar Makers Green have not been fully addressed. While the change of three units to bungalows is welcomed, this needs to be extended to all

properties along this boundary. The introduction of a 6 metre open space and the consequent movement of two properties away from the shared boundary is noted. However, the clearance of all vegetation and the proposed high boarded fence has raised new problems of loss of visual amenity, potential for surface water run off and flooding for the properties in Collar Makers Green. Additionally, this treatment of the public rights of way and adjacent open space has specifically been rejected by Kent Police on grounds that this design will lead to the loss of security and increase the likelihood of anti-social behaviour.

- iii) The traffic assessment sites of speed measurement and the timing of survey gave a partial view on the speed and volume of vehicles using the road. The counter nearest to the A257 coming into Ash was before the bend by Saunders Lane where the traffic would have slowed from the turn and before it speeds up again as the road straightens. The close proximity of the three junctions opening onto an open road speed limit, two of which are the only entrances to the application site and the adjacent Collar Makers Green site, remain a significant concern for traffic safety.
- iv) The additional information from the applicant that it will be possible to use the open space at Collar Makers Green to address the need for such an amenity for this application is incorrect. It further appears to include the 6 metre cleared boundary to the public right of way as an additional open space. The open space at Collar Makers Green is privately owned and managed on behalf of the residents of this development who pay an annual management fee. It is not a public space. It was also noted that their original concerns on the layout had not been addressed.
- v) Kent Fire & Rescue Service confirmed that there is no requirement for an emergency access. The parish council would ask for clarification that the two proposed transition spaces meet the turning circle requirements. Also, the parish council is unclear how turning circle requirements can be met at the south west of the site.
- vi) There are serious concerns that the issues raised by Southern Water, in its first response, have not been addressed. On the Southern Water maps the existing pond is shown and this becomes the Sustainable Drainage (SUDS) area. However, it is unclear how this can be accommodated due to the topography of this part of the site. The capacity of the existing infrastructure for the disposal of sewage and rain-water is at its limit. Collar Makers Green has holding tanks for its sewage that is then pumped over-night. When there is heavy rainfall, this already can lead to sewage back-flows along Sandwich Road. It may be that it would still be possible to use the existing water course for a flow rate that is not greater than the existing use. While this may prevent flooding at the site, it could lead to flooding further down the water course. There are two other current planning applications for developments on Sandwich Road for a total additional 67 units. The capacity of the exiting infrastructure for waste and water infrastructure has been discussed through the consultations on the Ash NDP with Southern Water. As a consequence, the draft policies address these issues and cover the two other planning applications that are part of the allocated sites in the NDP.

The topography of this site will add to the difficulties in addressing the movement of waste, the potential flooding from surface water run-off and the potential flooding from the major changes to the site levels at the access area. It is noted that the SUDS provision is in the area of the existing pond and it is uncertain how this will impact the surface drainage of the area. The width of the infill relative to the depth of the drop from the road level will impact the sites natural drainage and the adjacent listed building (Collar Makers Hole), regardless of the amount of planting on the area.

- vii) The site of the pedestrian crossing. While a pedestrian crossing is welcome, the site does not have a footway on both sides of the crossing on the north side. To the

west is the frontage of a private property and there is no right of access across it and to the east is a grass verge. It is within 20 metres from the junction with Cherry Garden Lane and Sandwich Road and the bus stop.

viii) The response from Kent Police on the design and its impact on personal safety and property security is noted as still unresolved.

ix) Due to the number of changes to the original submission a revised planning statement would be helpful. For example, the distances quoted to the village amenities. Apart from using direct measurements (as the crow flies) that do reflect either the walking or driving distances e.g. to the Bowls Club. The Chequer Inn distance is given as 900m. This is of itself is not material but does indicate that even basic details are incorrect. Distances for other amenities are also incorrect. The economic benefits appear unrealistic. The employment opportunities for new residents will be mainly in the areas outside of the parish e.g. Canterbury and Ashford. The main shopping areas are also outside of the parish in Sandwich and Canterbury. The social and economic objectives as stated do not acknowledge the work done by the community in developing its vision for Ash through the Neighbourhood Development Plan. This specifically rejected this site as unsuitable. The application's claim that significant social, economic and environmental benefits result from this development appear to be unsubstantiated assertions.

x) It is appreciated that this is an outline application with all matters reserved except for access but this is an important constraint. The parish council would ask that the DDC Planning Committee visit the site to assess the access. The topography of the site and how the proposed access can be built, considering the depth of the drop between the road and the site, should require a detailed report. The impact of this construction will affect the adjacent properties, the site of a Grade II listed building, the existing drainage/pond, surface water run-off, potential flooding and sewage constraints. The siting of the SUDS beside the access and the concerns of Southern Water are also a major concern to the parish council.

The parish Council asks for the consideration of a condition on the management and preservation of the on-site protected species and woodland that is a UK Priority Type. This would be in addition to the usual landscape management conditions. This would include the requirement of a biodiversity net gain of not less than 10% at all stages of the mitigation processes, as set out in the best practice guidance produced by CIRIA, CIEEM and IEMA bodies.

The Ash Parish Council would also request S106 contributions:-

- Road Safety Contribution of 50% of the cost towards the implementation of the change from the open road speed limit to a 30mph speed limit on Sandwich Road. The cumulative impact of the additional traffic from this site, at this position on Sandwich Road will contribute to increased safety issues from traffic speeding up off the bend approaching the new access.

- Nature Trial contribution of £10,000 towards the maintenance of the Hills Court Nature Trail to protect, preserve and enhance the native flora and fauna along this section of the Public Right of Way EE466

- LAP contribution of £36,700 to Ash Parish Council towards improvements on the Ash Recreation Ground

- Outdoor Sports Contribution of £23,500 to carry out works at the Ash Recreation Ground

The vegetation consists of large trees and extensive shrubbery, not all of which are on the verge. It is not clear what authority/landowner will carry out the initial clearance and for the land that is not on the highway, how to ensure that maintenance will be carried out on a regular basis. As the sight lines cannot be guaranteed without regular clearance it is expected that this would be a high priority area. There is no mention of 60 mph speed limit.

(SSD) is the 'Stopping Sight Distance'. DMRB; The 'Design Manual for Roads and Bridges' The statement 'Otherwise, mitigation measures should be introduced to provide advance warning for road users', provides no recommendations regarding what mitigation measures should be in place. 'The junction will be positioned around a left-hand left for eastbound drivers on Sandwich Road'.

Risk of collisions if steep gradient leads to pull-out type problems from minor road. This will be extremely difficult to provide due to the depth of the existing drop and the physical proximity of the adjacent properties.

Risk of injury if errant vehicles enter drop towards Saunders House. The statement 'Agreed, but the safety barrier does finish before the proposed site access and is therefore not impacted. However, this will be fully considered as part of the future detailed highway design.' Details required of how the drop will be guarded once vehicles access the entrance roadway.

In section 2.2 it states that DRMB would not apply in this location as Sandwich Road is not part of the Strategic Road Network, but in section 2.5 the statement 'If the VRS needs to be adjusted and redesigned, it should be ensured that it complies with current DRMB design standards in terms of containment and performance class of the terminals' is used.

Risk of pedestrians being struck by vehicles as they cross the road. 'The vegetation is also likely to limit the light produced from an adjacent lighting column on the corner of Cherry Road Lane.' Cherry Garden Lane is approximately 350 metres west of the proposed site entrance/exit. There is no light/lighting column on the corner of Cherry Garden Road. This was removed earlier this year. The footpath from the proposed entrance/exit in the direction of Cherry Garden Lane first crosses Collar Makers Green entrance/exit along Sandwich Road then passes a number of dwellings and the AGRII Site entrance/exit, it then encounters a stretch of vegetation and trees ending at Cherry Garden Lane. Risk of pedestrians being struck by vehicles as they cross the road. Pedestrians waiting on the tactile paving on the northern side of the crossing point may not have a clear view of westbound vehicles on Sandwich Road due to the presence of dense vegetation within the verge.

If it is referring to the crossing on the plan ASH_PEDESTRIAN_CROSSING_V2-2048331' It is within 25 metres of a junction and is adjacent to a bus stop. It is also within 50 metres of the open road speed limit on Sandwich Road. Risk of injury for pedestrians wanting to access footway extension. There is no information regarding what 'footpath extension' is being referred to. Also, what overhanging bushes and fence are being referred to. The crossing is proposed in a location as suggested by the Local Authority, no third party land can be required, all works must be within the adopted highway. The vegetation within the footway can be removed through highway maintenance.

If this is the crossing on plan 'ASH_PEDESTRIAN_CROSSING_V2-2048331.pdf' and the area referred to in 2.7 is the northern side that ends at the non-paved area of rough vegetation and which is approximately 25 metres from the pavement to the west. This area would not be suitable for a road crossing point.

CUMULATIVE TRAFFIC IMPACT The Ash Parish Council would also want to note the cumulative impact of the new development on Sandwich Road for 30 units at White Post Farm that has planning permission and has reserved matters under consideration and the other planning application currently being considered for phase one of a 95 unit development of 37 units at 63 Sandwich Road (20/00284).

Public Representations:

To date a total of 45 representations have been received in respect of the application, this includes four letters of support, 39 letters of objection and a petition with 126 signatures.

The petition sets out concerns relating to sewerage problems, poor access, pressure on local services, privacy, overshadowing, destruction of wildlife habitats, increase in traffic movements, housing surplus to needs and transport report is flawed.

The 40 letters of objection are summarised below:

- Contrary to Ash Neighbourhood Plan
- Green field site/space development not required or needed
- Brown field sites should be developed first
- Excessive development already in Ash
- Highway safety and access is compromised and dangerous
- Overlooking existing dwellings
- Extension of village boundary
- The site is not suitable for development
- Site is heavily used by wildlife
- What is the plan of a neighbourhood plan and all its background work if development is approved - this site is identified as unsuitable
- There are allocated sites in Ash already and Ash has already contributed to a no.of sites for housing recently
- Land should be used for agricultural purposes
- No emergency access provisions
- Privacy of existing dwellings is affected
- Potential land slips
- How are land levels dealt with at the access/how will site be accessed?
- Highway works will be required
- Increase in traffic, noise and disturbance
- Drainage concerns
- Loss of landscape, hedgerow and loss of wildlife
- Potential flooding issues at access
- The PROW is a natural boundary
- Land levels? Site is higher than adjoining development
- Pressure on existing infrastructure and village facilities
- 60mph limit on Sandwich Road
- There is no playing field at CMG and a private play area only
- There are underground watercourses
- Increase in pollution
- This is not sustainable development
- Saunders Lane is single lane
- Sewerage system can't cope at present
- Development is not required in Ash other sites have been identified
- Contrary to DM1 outside settlement boundary
- Some dwellings on CMG will be overshadowed for 9 months of year

- Alter character of Ash
- Impacts PROW
- Access is out of character, affects setting of Listed Building and adjacent thatched property
- Location of access is unsuitable
- Site is not close to amenities
- This is a semi-rural location
- The junction with the A257 needs improving
- Traffic congestion
- Turtle doves use the site
- Infrastructure in village can't cope
- Drainage from site onto lower land
- Saunders Lane is already used as a rat run
- Water pressure is already low
- Red list species on site
- Full species surveys should be undertaken
- 100 plus trees are to be felled
- Birds will be lost locally
- Impact on invertebrates on site
- Loss of habitats
- Site contributes to character of Ash
- Green unspoilt site
- Affects the setting of the listed building
- Departure from Development Plan
- Old hedgerows running the length of PROW will be lost
- Lack of mains drainage
- Potentially protected species on site
- Old pond at the point of access
- Difference in site levels not dealt with in application
- What happens to bank adjacent to PROW
- Impact on dwellings backing onto site has not been addressed
- Ancient right to light
- No pedestrian pavements to the site
- Supporting information is incorrect and/or out of date
- Safety of drivers and pedestrians affected
- Development does not integrate with village
- Contrary to DM1, DM15 & DM16 – policies must be given full weight
- Visual receptors will be affected
- Overshadowing/overbearing of footpath
- Why bother with neighbourhood plan
- Risks of land slips if trees removed
- Traffic jams in village with parked cars is normal
- Single storey development should be considered
- Inappropriate development in rural setting
- Detrimental impact on adjoining properties
- High risk of accidents/injuries
- Sightlines have parked cars in them
- Buffer planting proposed between PROW & close boarded fence, will be approx. 4m higher than CMG
- Increase in anti-social behaviour

Four representations in support of the proposals are summarised below:

- Boost local economy, additional employment
- Increased use of local services and businesses
- Enhance local community
- Additional open space existing trees/woodland retained
- Better site than sprawl around bypass
- Lack of affordable housing
- Natural infill site
- Need for housing increasing
- Brownfield site and not used for agriculture
- Issues can all be addressed
- Former registered waste disposal site

f) **1. The Site and the Proposal**

- 1.1 The application site is sited to the east of Ash, adjoining the eastern settlement boundary. The total site area extends over 3.4ha including 1ha of woodland and is located between Sandwich Road to the North and New Street to the south. The site is formed by Saunders Lane to the east and a Public Right of Way (PROW) EE108A extends along the western boundary between the application site and the dwellings sited on Collar Markers Green further west. The site adjoins the dwellings on Orchard View to the south.
- 1.2 The site comprises a former landscape/nursery business and there is some evidence of glasshouses and former structures still on site. It was originally accessed by an entrance to the northern end of Saunders Lane that is hardsurfaced and still in use, serving the two existing residential properties. There is also some evidence that the site was a former landfill/waste site. The site is surrounded by trees to the east section but opens out to the south and west. The site has a varied topography with some of the site within a shallow dip which rises up to higher land adjacent to the PROW.
- 1.3 The proposed site access is from Sandwich Road between the existing residential properties which includes the Grade II listed Collar Markers Hole to the north west and Saunders House and a smaller thatched dwelling to the east. Between the listed building, which is surrounded by trees and mature landscaping to all boundaries and existing outbuildings, and the junction to Collar Markers Green is a brick built electricity sub-station. Currently along Sandwich Road at the proposed entrance is a crash barrier as the land and ground levels reduce significantly at this point. With the dwellings to the east of the access also set at the lower ground level.
- 1.4 Orchard View is to the south comprises bungalows, although New Street has a wide variety of property styles and sizes. There is also an existing (currently gated) pedestrian access from the application site to New Street which is to be retained. Collar Markers Green is a modern housing development formed of a centre private open space with dwellings sited around, mostly comprising two storey detached properties. A number of these back onto the PROW which is defined by a 2m high close boarded fence along its length. On the other side of the PROW is a higher bank and scrub planting, with the PROW having a very enclosed feel and restricted width.
- 1.5 This application is in outline form and includes details of the means of access with appearance, layout, landscaping and scale reserved for future consideration in a reserved matters application. However indicative plans have been submitted

that show a proposed indicative layout and landscaping scheme. The proposal is for the erection of up to 76 dwellings to including 30% affordable housing. The indicative plans provide an indication of the expected layout of the proposed development. The indicative site layout includes the layout of the roads which comprises a main access road with smaller access roads sections forming cul-de-sac's/parking courts. Off-street car parking is available for all the dwellings in the form of drives and dedicated car parking spaces. Some existing and new tree and hedge planting and associated landscaping is proposed throughout the development and along the boundaries. A high number of existing trees are to be retained and this is shown on recent revisions.

- 1.6 It should be noted that the indicative layout of up to 76 dwellings has not been considered in any detail and would need significant amendment before it could be agreed.
- 1.7 The following documents have been submitted in support of the application a number of which have been submitted during the course of the application:
 - Design & Access Statement
 - Planning Statement
 - Transport Statement
 - Travel Plan
 - Road Safety Audit (Phase 1) (Revised)
 - Junction details (revised)
 - Phase 1 Ecological Survey
 - Flood Risk Assessment
 - Landscape and Visual Impact Appraisal
 - Arboricultural Impact Assessment
 - Contamination report
 - Geophysical Report
 - Heritage Assessment (revised)
 - Digital Impressions of proposed access

- 1.8 At the time of writing amended plans to address the differences in site levels at the access, retention of more of the existing landscaping and trees and site access layout revisions are all still being re-consulted. An up date on additional representations will be provided verbally to Committee Members on the 13th August Committee.

2. Main Issues

- 2.1 The main issues for consideration are:

- Principle of Development
- Impact on Landscape and Visual Amenity
- Heritage Assets
- Highways Issues
- Impact on Residential Amenity
- Affordable Housing and Dwelling Mix
- Ecology and Trees
- Appropriate Assessment
- Drainage and Flooding

- Planning Contributions
- Other Material Considerations

Assessment

Principle of Development

- 2.2 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan, unless material considerations indicate otherwise.
- 2.3 The site lies outside of the settlement boundaries, where Policy DM1 of the Core Strategy 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. Having regard to the wording of this policy, the erection of dwellings in this location is by definition contrary to Policy DM1.
- 2.4 DM11 seeks to resist development outside of the settlement confines if it would generate a need to travel, unless it is justified by other development plan policies. Although the site is outside the settlement confines, it is adjoining and it is within walking distance of a number of local facilities. On this basis it is considered that the occupants of the development could access necessary day to day facilities and services. As such, whilst technically contrary to Policy DM11, the location of the site is considered to foster a sustainable pattern of development, which is the overarching intention of Policy DM11, as set out in the paragraphs which precede the policy.
- 2.5 Policy DM15 requires that applications which result in the loss of countryside, or adversely affects the character or appearance of the countryside, will only be permitted if it meets one of the exceptions. The development would result in the loss of countryside, as the site is outside the confines. It is considered that the development would have only a limited impact on the adjoining character and appearance of the countryside which is further mitigated by the existing and retained landscaping and form of the development, a detailed justification of this position is discussed in more detail below. It is considered therefore, that the proposal is contrary to the first part of Policy DM15 (loss of countryside), but is in line with the second part of Policy DM15 (whether harm is caused).
- 2.6 However, notwithstanding the primacy of the development plan, paragraph 11 of the NPPF states that where the policies which are most important for determining the application are out of date (including where the LPA cannot demonstrate a five year housing land supply or where the LPA has 'failed' the Housing Delivery Test), permission 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 (known as the 'tilted balance') or where specific policies in the NPPF indicate that development should be restricted.
- 2.7 Having regard for the most recent Annual Monitoring Report 2018/9, the Council is currently able to demonstrate a five-year supply. The council has not met the Housing Delivery Test, achieving 92%. Whilst this has been taken into account, it does not trigger the paragraph 11 'tilted balance', which is only engaged when housing delivery falls below 75%. It is, however, necessary to consider whether

the ‘most important policies for determining the application’ are out of date. It is considered that the policies which are most important for determining the application are DM1, DM11 and DM15.

- 2.8 The current Core Strategy policies and the settlement confines referred to within the policies were devised with the purpose of delivering 505 dwellings per annum in conjunction with other policies for the supply of housing in the Council’s 2010 Adopted Core Strategy. In accordance with the Government’s standardised methodology for calculating the need for housing, the council must now deliver 629 dwellings per annum. As a matter of judgement, it is considered that some policies in the Core Strategy are in tension with the NPPF, are out-of-date and as a result, should carry only limited weight. Whilst it is considered that policies DM11 and DM15 are not out-of-date, (although the parts of these policies which place ‘blanket’ restrictions on development outside of confines are in tension with the NPPF, policy DM1 is now out-of-date). Given how important this policy is and given the tension between policies DM11 and DM15 and the NPPF, it is considered that the ‘basket of policies’ which are most important for determining this application are out-of-date.
- 2.9 The ‘tilted balance’ identified in paragraph 11 of the NPPF is therefore engaged. An assessment as to whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development therefore needs to be undertaken and whether there are any other material considerations that indicate permission should be approved.
- 2.10 In addition, it is necessary to also consider the Draft Ash Neighbourhood Plan 2019, that is at an early stage of adoption but is still a material consideration to which some weight can be attached. This draft plan has not identified the site for housing and has identified it as unsuitable for development. Nevertheless, the HELLA process to inform the Draft Local Plan Review has identified the site as having potential for development and it has been given an ‘amber rating’, depending on a number of issues including site access, ecology and the impact on the setting of the listed building. These issues will all be discussed in more detail later in the report. Both plans are at an early stage and there is a requirement as set out in legislation for both plans to align, with the Neighbourhood Plan needing to be in general conformity with the main Development Plan. The potential differences between the plans will need to be addressed further in the respectively local and neighbourhood plan processes, but neither are at a stage of sufficient weight to overrule the key considerations of Paragraph 11 of the NPPF, which currently taking precedence in the consideration of this planning application.
- 2.11 There are no policies with full weight that indicate development should be restricted as the site has no landscape or other designations. Permission should therefore be granted unless there is any clear harm that would significantly and demonstrably outweigh the benefits of additional housing development in the district. This report identifies that there is no harm to the landscape or local highways and has been found to be acceptable in all other material considerations. It is therefore an acceptable form of development for this site and is recommended for approval as it meets the overarching objectives of the Core Strategy and the framework in the NPPF as whole.
- 2.12 In terms of sustainability, this is defined in the NPPF. The assessment of sustainability can be separated into three dimensions: economic, social and environmental. The applicant has presented a case that the provision of housing will provide additional benefits to the local economy, boosting the local economy

and delivering additional housing in the District. Whilst it is agreed that encouraging inward investment should carry some weight these need to be weighed against the benefits and disbenefits of the development as a whole.

- 2.13 The applicant has also advised that the development would create direct and indirect jobs during the construction phase of the development and have further identified that the development could provide local residents employed in its construction. The employment which could be generated by the development therefore adds further weight in favour of the development.
- 2.14 With regards to the social role, the development would provide additional dwellings, which would contribute towards the Districts housing supply and would accord with the aim of significantly boosting the supply of housing. The proposal would also include the required provision of 30% affordable housing, as identified in policy CP5, and would enable the provision of a larger proportion of affordable housing being available that adds further weight in favour of the proposed development.
- 2.15 Turning to the environmental role, the proposed development can mitigate the visual impact on the landscape with a large proportion of the on-site landscaping to be retained and enhanced, subject to conditions that also provide ecological and biodiversity enhancements, as required by the NPPF.
- 2.16 These points, although not determinative on their own, add further weight to the recommendation for approval and need to be assessed as material considerations in its favour, notwithstanding the policy position. The development is in tension with the parts of the development plan which provide 'blanket' restrictions on development outside of confines, however, these elements of policies are considered to conflict with the NPPF. The development would broadly accord with the overarching aims of the Core Strategy and accords with the NPPF and is therefore, on balance, considered to be an acceptable form of development on this site.

Impact on Landscape and Visual Amenity

- 2.17 In terms of the impact on the wider landscape policies DM15 and DM16 of the Core Strategy are most relevant. Policy DM15 relates to the protection of the countryside and states that development that would result in the loss of, or adversely affect the character or appearance, of the countryside will only be permitted if it is in accordance with allocations made in Development Plan Documents or the development justifies a rural location.
- 2.18 Policy DM16 relates to landscape character and states that development that would harm the character of the landscape, as identified through the process of landscape character assessment, 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 the harm and/or incorporate design mitigation measures to mitigate the impacts to an acceptable level.
- 2.19 The site is not situated within a designated landscape but consideration of the impact on the existing landscape, its character and visual amenity is necessary to ensure the proposed development does not affect the character of the wider landscape and countryside. It is also necessary to consider paragraph 170 of the NPPF that relates to the need to enhance the natural and local environment,

ecology, biodiversity and the importance of the intrinsic character and beauty of the countryside.

- 2.20 A Landscape and Visual Impact Assessment (LVIA) was submitted in support of the application which identifies that the impact on the character of the landscape will be low or negligible as existing landscape features are to be retained and enhanced in the context of the site along with the existing group of trees and woodland. The report identifies there will be some inevitable adverse landscape and visual effect but these would be localised and limited in their extent. The site is considered to have a long-term capacity to accommodate the proposed development.
- 2.21 Due to the location of the site, being outside the defined settlement boundary and the potential for harm to the local landscape it is necessary to consider the impact on the landscape as a result of this development. In respect of the proposed mitigation measures the proposal incorporates the retention of existing boundary landscaping, trees and woodland and additional landscaping to all the boundaries of the site. Although landscaping is reserved for future consideration it is necessary to ensure at this stage that the landscape mitigation would incorporate both native planting and biodiversity gains appropriate to the landscape character and the site. The proposed landscaping, at this stage, adequately addresses the need for landscape screening and mitigation on site and accords with the requirements of policies DM15 and DM16. Any visual impact is and can therefore be mitigated on the wider landscape and adjoining countryside as required by policies DM15 and DM16. The protection of this proposed landscaping would, however, need to be controlled through appropriate conditions to ensure such measures are carried through to the reserved matters stage.
- 2.22 The massing of the development, is shown on the indicative site layout, confirms that the development of this site could be appropriately sited to mitigate the impact on the landscape and countryside. In terms of the height of the proposed dwellings the maximum height of the proposed dwellings is two storey, which is a reasonable expectation. Nevertheless, it is considered that the height of the resultant dwellings should be controlled by a condition to require the proposed ground levels, sections through the site/buildings and details of the finished heights of the proposed buildings. There is also a need to reduce ground levels adjacent to the PROW and dwellings in Collar Markers Green (CMG) and to insure this is appropriately addressed in the Reserved Matters application This is to ensure that the height of the proposed dwellings on this site and in particular those dwellings adjacent to the western boundary are appropriate and acceptable in respect of visual amenities in the round.
- 2.23 It is therefore considered that the scheme does not give rise to any unacceptable impacts on the visual amenity of the site and immediate surrounding landscape. As such, the proposal is in accordance with Policies DM15 and DM16 of the Core Strategy and paragraph 170 of the NPPF, as no significant harm has been identified that could justify a reason for refusal.

Heritage Assets

- 2.24 The application is supported by a Heritage Assessment that addresses the impact on listed buildings and archaeology on the site and in accordance with Paragraph 189 of the NPPF. This describes the significance of surrounding heritage assets. It has been confirmed that the thatched dwelling and Saunders House are not a non-designated heritage asset, however Collar Markers Hole is

a Grade II Listed Building and the proposed development needs to be assessed in terms of the impact on the setting of the listed building. The list description states:

"House. Mid C18. Painted brick and plain tile roof. Two stories on plinth with hipped roof and centre stack. Two wooden casements on each floor, those on ground floor with shutters and segmental heads. Central half-glazed door with flat hood on brackets. Catslide outshot to rear."

- 2.25 There has been some discussion in the Heritage Assessment and DDC Heritage Officer regarding the significance of the listed building and its evolution over time, resulting in its current setting with some competing considerations. On balance, the building is largely isolated from its original context that has evolved over time. Its significance has also been reduced by the access road, junction and electricity sub-station that serves Collar Markers Green. Its current setting is informed by the trees to the boundaries and adjoining the boundaries which provide a treed backdrop. The land beyond this, although undeveloped and rural in character, is not viewed in respect of views to or from the listed building. The key consideration is the need to retain the trees to all boundaries to maintain this aspect that informs its setting.
- 2.26 DDC Heritage have therefore raised concerns regarding the loss of a number of trees, the introduction of a road junction and the proximity of the proposed dwellings to the boundaries of this building. In terms of the loss of trees, recent revisions to the plans have been undertaken to retain a much greater proportion of the trees on site including most trees to the boundary with the listed building that were originally shown to be removed. These are now retained, along with a greater number across the whole site. There are some trees currently shown to be removed at the site entrance to form the access, although I consider there is an opportunity to retain a few more, nevertheless, trees lost are proposed to be replanted. Both these aspects can be controlled through a landscape management plan condition and the detailed landscaping plan. These can ensure that as many trees as possible can be retained on site (depending on health, disease and quality) and would need to be addressed further in a reserved matters application. Therefore, the recently amended plans have shown that it is possible to retain a much greater proportion of the trees than originally proposed and the impact on the setting of the listed building can largely be minimised.
- 2.27 The location of the site access is to the east of the listed building, but its impact can be limited with careful tree planting and landscaping. There are also a number of more modern outbuildings between the listed building and the proposed access, with the listed building set behind these structures. Again, with the retention of trees and new planting the impact on the setting can be minimised. The width and form of Sandwich Road is largely to be retained although off-site highway works are to be implemented and there will be new road markings and structures. I consider that it could be argued that these would all result in variations to the existing layout, rather than the introduction of new features. In support of this illustrated images have been provided to show the changes and these overall and on balance are limited in terms of their visual impact.
- 2.28 The greatest change in this respect will be the changes in ground levels and the engineering works to enable access and the junction, due to the current and significant drop in levels adjacent to Sandwich Road. It is proposed to raise the ground level at the access to bring it up and in line with the Sandwich Road level,

although the road would slope down from Sandwich Road. The ground level will therefore be raised to be level or slightly below the ground levels of the listed building, as the building is sited at a level between the two heights. There will be a certain degree of land fill to enable this and details of the proposed works are limited, but this can be controlled through a condition requiring further details, sections and grading of these works. The impact of these works will be potentially greater on Saunders House, which is sited at the lower level and these works will need to be closely controlled to minimise harm and provide suitable screening to this property. With conditions relating to these works and landscaping works the impact on the setting of the listed building will be minimised and controlled.

- 2.29 The relation to the siting and proximity of new buildings to the boundaries of the listed building, the current plans are indicative only and although there has been some effort to re-site these units further from the boundaries, further amendment would be required in any reserved matters application to ensure the impact on the setting of the listed building is retained and protected from development in close proximity. The size of the application site is sufficient to allow such amendments to take place when the details of the layout are submitted at the reserved matters stage.
- 2.30 Therefore although there will be some harm to the setting, by definition, on balance the development is considered to result in less than substantial harm to the significance of the setting of the Listed Building and, in accordance with Paragraph 196 of the NPPF, the development would provide a public benefit in contributing to the 5 year housing land supply. The development can therefore mostly preserve and sustain the significance of the Listed Building and its current setting in accordance with Paragraph 192 of the NPPF and The Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.31 Furthermore, Paragraph 200 of the NPPF identifies that new development within the setting of heritage assets should enhance or better reveal their significance. For the reasons outlined above, it is considered that the proposal would provide an opportunity to better reveal its significance by providing long term protection to the treed boundaries, in accordance with Paragraph 200 of the NPPF. This needs to be considered further at the reserved matters stage in relation to the above details, but at this outline stage can and has been retained and therefore accords with the NPPF. On this basis it would be difficult to defend a reason for refusal on these grounds.
- 2.32 The application site is in a known area of archaeological interest with a significant number of finds within the local area. KCC Archaeological Unit has provided their statutory views on the archaeological potential of the site and conclude that due to the number of finds locally it would be reasonable to attach a condition requiring a programme of archaeological work to be undertaken in advance of any development on this site. As this is only an outline planning application at this stage and layout is not being considered, a condition to secure an archaeological evaluation would be appropriate and would accord with paragraph 189 and the NPPF as a whole. On this basis potential archaeology can be addressed and the development is acceptable in this regard.

Highway Impacts

- 2.33 The relevant Core Strategy policies are DM11, DM12 and to a lesser degree policies DM13. DM11 requires planning applications for development that would increase travel demand should be supported by a systematic assessment to

quantify the amount and type of travel likely to be generated and include measures that satisfy demand to maximize walking, cycling and the use of public transport. Development that would generate travel will not be permitted outside the urban boundaries and rural settlement confines unless justified by development plan policies. 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.

- 2.34 Policy DM12 requires that developments that would involve the construction of a new access onto a trunk or primary road will not be permitted if there would be a significant increase in the risk of crashes or traffic delays unless the proposals can incorporate measures that provide sufficient mitigation. Whilst policy DM13 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.
- 2.35 The application site is proposed to be accessed off Sandwich Road situated on the northern boundary. Details of the proposed access have not been reserved and full details of the proposed vehicular access to the site have been provided. The proposed development is likely to generate approximately 48 two-way vehicle movements in the morning and evening peak hours. A vehicular access junction has been proposed, located between existing dwellings on Sandwich Road. The proposed junction would be 6.5m wide, widening to a bell-mouth junction with a 1.8m wide footpath on either side. Off-site highway works are proposed including a dedicated right turn lane, a pedestrian crossing point on Sandwich Road, upgrades to footpaths and a reduction in the speed limit to 40mph instead of 60mph. Associated road signage and lighting is also proposed. The site also has links to public transport with a bus stop nearby and within easy walking distance. The site therefore has good connections to a number of facilities, with the village in walking distance. Although the proposed layout is indicative, footpaths are proposed on the site that provide easy links to the wider area, including a pedestrian link to New Street to the south of the site. The proposals therefore provide connections to the existing village and adjoining built form that encourages walking.
- 2.36 Following a number of revisions, additional survey work and a road safety audit, KCC Highways have raised no objection and have confirmed that the proposed junction and the increased traffic is acceptable on the highway network and does not raise capacity or highway safety concerns. This has also taken into account committed development on other housing sites. It has been identified that a dedicated right turn lane is required for this development, that would also serve CMG junction. The proposed works and the erection of up to 76 dwellings do not therefore result in any highway safety or capacity concerns and accord with paragraph 109 of the NPPF.
- 2.37 Significant concerns have also been raised by Ash Parish Council and third parties that the development would significantly and detrimentally increase and impact on traffic and the highway network in the area, which are identified as already struggling to cope with existing levels of traffic locally. It is however considered that with appropriate conditions and controls in place these concerns would to a sufficient degree, be addressed. On balance, it is not considered that the proposal would not result in a severe highway impact and would therefore accord with the aims and objectives of paragraph 109 of the NPPF as well as local standards and planning policies.

- 2.38 There has also been concern expressed in relation to access for refuse vehicles and fire engines, in terms of the junction onto Sandwich Road. This however has been sufficiently demonstrated to be acceptable for all sizes of vehicles that could use it. Internally the indicative layout shows some tight corners but this could be resolved and addressed in a reserved matters application and the internal layout is not for consideration under this outline planning application. Stagecoach have also raised some concerns, but a proposed development should not be seeking to resolve existing problems in other parts of the village, it can only address matters that relate specifically to the proposed development and such requests cannot currently be supported or justified.
- 2.39 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 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 association with the proposed dwellings. The submitted Transport Assessment confirms that such provision will be made in accordance with KCC 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 at the Reserved Matters stage.
- 2.40 In conclusion, the highway issues considered in relation to this proposed development are sound and acceptable from both highway safety and capacity perspectives. They fully accord with paragraph 109 of the NPPF and are therefore acceptable. There is therefore no highway grounds to refuse this planning application.

Residential Amenity

- 2.41 The precise location of the new build dwellings is unknown at this stage, with this element being submitted in outline and indicative only. Consequently, the final layout, which will be the subject of an application for approval of reserved matters, would need to align, in terms of the area for development, with the indicative plan. This plan seeks to demonstrate that the proposed development could be accommodated in a manner which would ensure that reasonable separation distances between new and existing properties and that reasonable a standard of accommodation can be achieved. However, given the location of the site and the separation distances to other properties, it is considered likely that the siting of the proposed dwellings will need to be significantly revised, including addressing the differences in site levels and the PROW concerns, to ensure the living conditions of properties on CMG (and Orchard View) would not be harmed unacceptably by the proposed development and resultant layout. A detailed assessment would form part of any reserved matters application and would need to ensure that all measures to minimise the impact on existing properties adjoining the site, are mitigated from any detrimental impact on their residential amenities, with particular regard to the impact on the setting of the listed building and dwellings on Sandwich Road (discussed above).
- 2.42 The differences in ground levels between the application site, PROW and existing dwellings in CMG needs to be suitably addressed in any subsequent reserved matters application, by reducing the application ground level along this boundary and/or designing and siting the dwellings appropriately. This is necessary to address concerns regarding potential overbearing, loss of light, loss of privacy/overlooking and consequent reductions in existing levels of residential amenity. The proposed final layout will therefore need to be amended accordingly and sufficiently demonstrate this aspect is acceptable. The limits

plans at this stage do not allow the detailed assessment to be undertaken and it is not required for an outline planning application. However, I consider it is necessary to add a site levels condition to have full control over the resultant heights of the development, especially along this boundary, but also across the site as a whole.

- 2.43 There is also the competing considerations of the protection and enhancement of the PROW with the need for Secure By Design principles to be followed. These have competing requirements in terms of the safety in relation to the PROW and designing out crime. A reserved matters application will be to address these aspects and find balanced solution to address these matters. The current layout is in conflict with both parties requirements and it would be up to the developer to seek to resolve the situation with all the relevant parties including the CMG residents. I do not consider these important concerns, which also include the need to appropriately address the differences in land levels, are insurmountable and it is possible to design a layout to take all these factors into account. However, the indicative layout does not currently result in an appropriate solution and for these reasons (and others) it will not be included in any list of approved plans. In respect of the PROW there is a legal requirement under different sections of legislation that provide it with protection and control, therefore a condition would not be appropriate at this stage, however a suitable solution that takes into account all these aspects and legislation will need to be identified at any reserved matters application. Nevertheless the legislative requirements would be included as an informative on the decision notice if Members were minded to approve the outline application.
- 2.44 The Kent Police Crime advisor has raised concerns regarding a number of aspects of the layout, not least the potential impact on the PROW. Most of these relate to detailed design elements that are not the subject of this application. However, a planning condition is also proposed that would require a detailed scheme to be submitted for approval which accord with the principles and physical security requirements of Crime Prevention through Environmental Design. To comply with this condition further discussed will need to be undertaken with Kent Police to overcome their concerns.
- 2.45 Whilst the living conditions of the proposed new build dwellings cannot be established at this stage, the size of the site and the density of the development are more than sufficient to demonstrate that the proposed dwellings could be accommodated in a manner which would ensure a high standard of accommodation, albeit the indicative layout is considered to need further detailed consideration and will need some amendments. Nevertheless, it is considered that the living conditions of occupants of the dwellings could be acceptable.
- 2.46 The development has the potential to cause unacceptable harm to the amenities of neighbouring properties during the construction phase and a construction management plan should 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.
- 2.47 Residential amenity aspects in respect of all adjacent residential properties and their particular material considerations can therefore be addressed through planning conditions to ensure they can be controlled and managed if a reserved matters application were to be submitted.

Affordable Housing and Dwelling Mix

- 2.48 Core Strategy Policy DM5 and the adopted SPD require 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 30% affordable housing, which amount to 23 dwellings. The affordable units should be designed and positioned in small clusters and be tenure blind. The Council would seek 70% of the affordable units to be provided as affordable rented homes with the balance provided as shared ownership units. It is considered that, subject to being secured through a condition or section 106 legal agreement, that would require further details of the provision and tenure, the development could accord with Policy DM5 of the Core Strategy and the Affordable Housing SPD. Further details of the affordable housing provision would be considered at the Reserved Matters stage, subject to viability and design considerations. The proposal therefore responds to the need for affordable housing through the provision of policy compliant affordable housing for local people.
- 2.49 The latest Strategic Housing Market Assessment (SHMA) identifies the broad split of demand for market housing to meet the prioritised needs of the district. Whilst these recommended proportions should inform the housing mix, they are however not rigid. At this outline stage very limited indicative details of the dwellings have been provided and any reserved matters application would need to be considered in line with the needs identified in the SHMA including the need for some smaller 2-bedroom units in this rural area.
- 2.50 Policy CP4 of the Core Strategy requires applications for residential development for 10 or more dwellings to identify the purpose of the development in terms of creating, reinforcing or restoring the local housing market in which it is located and develop an appropriate housing mix and design, taking into account the guidance from the SHMA. It also identifies the need to create landmarks, foreground and background buildings, vistas and focal points in the layout of sites. It is noted that some of these aspects have been considered but the proposed indicative layout will need to be significantly revised to be in line with the relevant policies and guidance. The policy also identifies a need to provide an appropriate density for development sites which will be design led and determined through the design process at the maximum level consistent with the site. Policy CP4 guidance is for a density wherever possible to exceed 40 dwellings net per hectare and will seldom be justified at less than 30 dwellings per hectare. The proposed development proposes a net density of 22 dwellings per hectare which is at a very low density level, below that required under CP4. The very low density reflects the large sections of landscaping being retained including woodland and although lower than would normally be expected is considered appropriate in relation to the character of this site and its relationship with Ash and its landscape context.

Ecology and Trees

- 2.51 In furtherance to the impacts on the off-site Ramsar/SPA discussed below, regard must be had for whether the development would cause any harm to habitats or species on or adjacent to the application site, in accordance with paragraphs 170, 175 and 177 of the NPPF. In addition, regard must be had for Natural England's Standing Advice. The application was supported by a Phase 1 Ecological Appraisal which considered both the flora and fauna of the site.
- 2.52 In summary the submitted ecology report confirms there was no evidence of protected species using parts of the site and further species surveys were not necessary. In respect of birds using the site, these may be nesting on site and safeguards can be put in place which could include additional surveys if

construction work is undertaken during the bird breeding season. Such safeguards have been recommended and these could be controlled by condition.

- 2.53 The report also confirms that the trees to be removed are predominately non-native species with only a few broad leaves trees being removed from the site to enable development. The number of trees to be removed has been reduced in the recent revision and all Category A and a large number of Category B trees are to be retained. Only category C or lower and non-native trees, apart from the few exceptions referred to above are to be removed. It is highlighted that the secondary deciduous woodland on site is a UK priority habitat that has been assessed, retained and enhanced through appropriate management and enhanced biodiversity measures. Furthermore, the impact on trees to be retained and the necessary protection measures including root protection zones can also be controlled by conditions.
- 2.54 The dry pond was also assessed, and no protected species identified, by siting the drainage pond in the same location it has been identified that this offers an opportunity to enhance biodiversity and improve ecology on the site.
- 2.55 The hedgerow referred to along the Public Right of Way was identified as a scrub area, with some hedgerow trees but largely comprised of bramble and other invasive weed species, although it has some ecological value, overall this is limited and can be enhanced with a suitable landscaping scheme. This confirms my assessment during the site visit.
- 2.56 The DDC Natural Environment Officer has confirmed that the findings of the submitted ecological appraisal are accepted and subject to the implementation of the full mitigation and enhancement measures identified and additional measures to encourage and enhance biodiversity across the site; there is no ecological constraint to development. All of these measures can be addressed through planning conditions.
- 2.57 The proposed layout allows additional planting to provide enhanced landscaped areas where new trees can be planted. New planting would need to consist of a mix of native species which could be controlled by suitable conditions. Overall the proposals are acceptable in respect of the protection of ecology and protected species and the conservation and enhancement of biodiversity in compliance with the aims and objectives in the NPPF, especially paragraphs 170 and 175.

The Conservation of Habitats and Species Regulations 2017, Regulation 63:
Appropriate Assessment

- 2.58 The impacts of the development are considered and assessed in this report. It is also necessary to consider the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay.
- 2.59 Detailed surveys at Sandwich Bay and Pegwell Bay were carried out in 2012 and 2018. However, applying a precautionary approach and with the best scientific knowledge in the field, it is not currently possible to discount the potential for housing development within Dover district, when considered in-combination with all other housing development within the district, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.
- 2.60 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes

disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy was agreed with Natural England in 2012 and is still considered to be effective in preventing or reducing the harmful effects of housing development on the sites.

- 2.61 For proposed housing developments in excess of 14 dwellings (such as this application) the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy requires the applicant to contribute to the Strategy in accordance to a published schedule. This mitigation comprises several elements, including the monitoring of residential visitor number and behaviour to the Sandwich Bay, wardening and other mitigation (for example signage, leaflets and other education). Natural England has been consulted on this appropriate assessment and concludes the assessment is sound.
- 2.62 Having had regard to the proposed mitigation measures, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites. The mitigation measures (which were agreed following receipt of ecological advice and in consultation with Natural England) will ensure that the harmful effects on the designated site, caused by recreational activities from existing and new residents, will be effectively managed. A contribution of £4,476.68 is therefore sought to this effect.

Drainage and Flooding

- 2.63 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. The NPPF, paragraph 163, states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems. In furtherance to this, the Planning Practice Guidance states that sustainable drainage systems should be designed to control surface water run-off close to where it falls and replicate natural drainage as closely as possible.
- 2.64 A FRA have been submitted in support of the application which confirm that infiltration drainage is suitable on this site. It is proposed to deal with all surface water and run-off by soakaways into the subsoil below so that there will be no increase in run-off from the site as a result of the proposed development. Soakaways would also be formed in a way that drains the site away from existing residential properties on CMG. Any over capacity would be dealt with in the use of the proposed drainage pond to the north of the site, being the appropriate location as it replicates existing drainage patterns on the site and is the location of the dry pond.
- 2.65 This method of surface water disposal is considered acceptable for this site with KCC Flood and Water Management, the Lead Local Flood Authority, raising no objection subject to conditions relating to further testing and final details in respect of the surface water drainage measures and management and verification of the approved scheme. The proposed drainage measures for this outline proposal are therefore considered acceptable at this stage, subject to conditions, further testing and details that could also be considered at a Reserved Matters stage. The EA have also confirmed that drainage and other controlled measures on the site are appropriate subject to conditions and the

Internal Drainage Board find the SuDS approach in line with KCC advice and acceptable.

- 2.66 Southern Water supplies water and foul waste at this location and they have raised concerns in relation to existing foul sewage disposal capacity for the proposed development. They have advised of the need for upgrades on the system and how this is expected to be funded as part of their capital schemes and infrastructure funding provisions. They advise that they would require further details of the timing of delivery to ensure capacity is available and a formal application for a connection to the public sewer to be made by the applicant or developer. They have not raised an objection to the proposal and have suggested conditions in respect of delivery and further details of foul drainage. As this is an outline application such conditions can easily be imposed to provide suitable details before or as part of the reserved matters application. Such conditions have been imposed on other proposals within the district where upgrading works are required and such a condition can be imposed to relate to this application. This does not preclude development. The proposal is therefore acceptable in this regard, subject to appropriate conditions and complies with the NPPF.

Planning Contributions

- 2.67 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (CIL Regulations) require that requests for development contributions of various kinds must comply with three specific legal tests, being necessary, related to the development, and reasonably related in scale and kind.
- 2.68 Policy CP6 of the Core Strategy requires planning applications to provide an appropriate mechanism to ensure that any necessary infrastructure to support the development can be secured at the time it is needed. This policy therefore confirms the need to address any increased infrastructure needs as part of the application process. Such needs would normally be addressed in a s106 legal agreement, as long as all provisions comply with the relevant tests outlined in the NPPF and planning policy guidance. It is considered that the tests have been duly applied in the context of this planning application.
- 2.69 In accordance with Policy DM27 of the LALP, the development would be expected to provide Open Space on site, or a contribution towards off-site provision, to meet the Open Space demands which would be generated by the development. The developer is not proposing to provide the provision of formal public open space, only informal and therefore there is a requirement for a contribution towards the provision of open space, in terms of a children's play space and an outdoor sports facilities contribution.
- 2.70 In respect of a children's play space there is a requirement for provision and no play space is being provided on site and the closest local play space is at CMG, although this is a private space maintained at the cost of CMG residents. The next available play space is Ash Recreation Ground. It has been calculated that a proportionate contribution of £32,932.96 is therefore necessary towards the upgrading of these play facilities. This is also largely in compliance with Ash Parish Councils calculations which request £36,700 towards this facility, however the proportionate calculation is determined to be the appropriate figure and the correctly justified contribution.
- 2.71 In terms of the outdoor sports facilities, it is not practical for this to be provided on site and there is a need to improve the pitch at Ash Recreation Ground. It

has therefore been calculated that a proportionate contribution of £32,160.69 is necessary towards this outdoor sports provision to be secured through a s106 agreement (again similar to the Parish Councils calculations which is lower at £23,500). With the payment of these contributions, the proposal would accord with Policy DM27 of the Core Strategy.

- 2.72 The proposed development does not give rise to the need for a further contribution towards a nature trail as requested by Ash Parish Council and it would not meet the CIL regulations.
- 2.73 KCC Economic Development have advised that the development would increase demand for local facilities and services and where there is currently inadequate capacity to meet this additional 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 secondary school provision to meet the needs of the development.
- 2.74 The proposal would give rise to additional school pupils and the need can only be met through further expansion of Sir Roger Manwood School. A contribution of £4,115 per dwelling has been requested from this development to meet the need identified., resulting in a total of £312,740. KCC have also requested contributions towards:
- Community Learning at £1,247.92 towards portable equipment and additional classes at New Learners, Sandwich
 - Youth Services £4,978 towards additional resources including Linwood Youth Hub, Deal
 - Bookstock £4,214.20 including additional services and stock at Ash Library
 - Social Care £11,162.88 towards specialist accommodation in Dover District
- 2.75 These contributions all ensure that the social 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.
- 2.76 KCC have also requested a contribution towards Waste Service at £237.54 per dwelling and a total contribution of £18,053.04. There justification is for it to go towards new works at WTS and HWRC to increase capacity. Currently, the justification for contributions towards waste services has not been adequately justified to be compliant with CIL Regulations and therefore the request cannot be supported or included.
- 2.77 In addition, Ash Parish Council's request for a 50% contribution towards highway safety and a reduction of the speed limit to 30mph cannot be supported. The application has been assessed by KCC Highways as the statutory highway authority who require the applicant to fund works towards a reduction of the speed limit to 40mph for highway safety reasons. This is acceptable to the statutory authority for highway safety purposes. Additional highway works not required by KCC Highways cannot be supported and cannot be justified, or considered reasonable or necessary for the proposed development.
- 2.78 NHS CCG have identified a need for a contribution from the development towards Ash Surgery and Sandwich Medical Practice of £59,820. This is a proportionate calculation towards the health needs generated by the proposed development and is considered CIL compliant.

2.79 The applicant is in the process of agreeing the Heads of Terms in relation to these contributions, that are considered necessary to make the development acceptable in planning terms. The Heads of Terms are:

- Secondary Education- towards Phase 1 expansion of Sir Roger Manwood School of £4115.00 per dwelling or £312,740 in total
- Community Learning at £1,247.92 towards portable equipment and additional classes at New Learners, Sandwich
- Youth Services £4,978 towards additional resources including Linwood Youth Hub, Deal
- Bookstock £4,214.20 including additional services and stock at Ash Library
- Social Care £11,162.88 towards specialist accommodation in Dover District
- A total of £4,476.68 is required as a contribution towards the Thanet and Sandwich Coast Management Strategy
- An off-site local equipped play space contribution towards Ash Recreation Ground play area of £32,932.96
- An off-site public open space contribution for outdoor sports facilities at Ash Recreation Ground of £32,160.69
- NHS CCG contribution towards General Practice of £59,820 (Ash Surgery and Sandwich Medical Practice)
- Monitoring per trigger event of £236 per event
- Payment of all associated legal costs.

The full range of contributions required by the development are being met by this proposal.

Other Material Considerations

2.80 The likelihood of contaminants on site is moderate due to the previous use of the land (nursery and formal landfill) as the proposed end use is residential it is susceptible to risks of contamination. An initial contamination report has been submitted and conditions are therefore required to ensure the next stages (investigation, remediation and verification) are adhered to and that any further contamination identified during construction will require further investigation and remediation and/or mitigation measures would need to be submitted and approved. Such conditions appropriately address any potential contamination of the site. Environment Health and the Environmental Agency both agree with this approach and find the development acceptable with these conditions imposed.

2.81 An Air Quality Screening Report has not been submitted with the application. Environment Health have confirmed that an Air Quality Report for this development is not required. To comply with the Kent and Medway Air Quality Guidance Documents and in line with best practice it is expected the installation of electric vehicle charging points should be required for this application and should be required by planning condition. Along with measures to prevent dust for residential receptors and appropriate dust mitigation measures that can be controlled through a construction environmental management plan condition.

2.82 External lighting details have not been submitted but would need to be appropriately mitigated at reserved matters stage. Other matters such as cycle parking, refuse storage and materials will be required to be submitted at reserved matters stage and would not be subject to outline conditions or scrutiny at this stage.

3. Conclusion

- 3.1 In terms of planning policies, development of this site outside the settlement confines has been shown to be acceptable in principle and is in accordance with policies DM11, DM25 and DM16 of the Core Strategy and the NPPF, in particular paragraph 11 that identifies that development should be approved unless there is material harm that outweighs the benefits of the proposal.
- 3.2 In addition, there are no development plan polices or policies in the Framework that suggest development should be refused. When weighing up the benefits of the development identified in the report, although there is a large number of local objection to the proposed development and the proposal does not accord with the Draft Ash Neighbourhood Plan (2019) (of limited weight at this stage) there are no clear planning reasons that would significantly and demonstrably outweigh the benefits of providing additional housing on this site within the district, including the provision of 30% affordable housing.
- 3.3 The proposed development of 76 dwellings will be a substantial addition to the availability of housing sites within the district and will contribute towards the 629 units per annum now required under the standardised methodology for the calculation of housing need. The additional housing will also have social, economic and environmental benefits and overall is considered to be sustainable. In addition, the relevant contributions towards local infrastructure costs have largely been agreed in principle, including education, nhs and open space contributions.
- 3.4 Initial concerns from KCC Highways have also been overcome following additional information submitted. KCC Highways consider the revised proposals to be acceptable, subject to necessary conditions and agreements. The proposed impact on the highway is therefore not severe and accords with paragraph 109 of the NPPF, the impact on the local highways is consequently acceptable.
- 3.5 The proposal in this outline application therefore accords with relevant development plan policies, the NPPF and is acceptable in principle. All other matters raised can be adequately addressed by planning conditions. Consequently, the application is recommended for approval, subject to conditions and a suitable s106 legal agreement to secure the required contributions.

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Recommendation

I. OUTLINE PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions and subject to the following conditions to include:

- 1) Reserved matters details
- 2) Outline time limit
- 3) Approved plans
- 4) Existing the proposed site levels, slab levels and building heights
- 5) Ecological mitigation, biodiversity enhancement and recommendations implemented and maintained
- 6) Construction Management Plan

- 7) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage)
- 8) Completion of the access and associated highway alterations prior to commencement
- 9) Completion of the pedestrian crossing point and associated highway alterations prior to commencement
- 10) The proposed verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, carriageway gradients and street furniture constructed in accordance with plans
- 11) Closure of the existing accesses link in Saunders Lane prior commencement
- 12) Full engineering, gradient and level changes including cross sections relating to adjacent land submitted
- 13) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not addressed in s106)
- 14) Full scheme of landscaping details and maintenance of green spaces
- 15) Protection of Trees and Hedges and tree retention and RPZ plans
- 16) Hard landscaping works and boundary details/enclosures
- 17) Contamination conditions (3) Site investigation, risk assessment, remediation and verification
- 18) Reporting of unexpected land contamination
- 19) Design details of surface Water drainage strategy
- 20) Implementation and verification of SuDS scheme
- 21) No other forms of infiltration
- 22) Environmental Construction Management Plan
- 23) Programme of archaeological works/excavation
- 24) Details to be submitted at reserved matters for compliance with Secured by Design principles
- 25) EVC points for dwellings/parking spaces
- 26) Broadband connection
- 27) Foul drainage scheme
- 28) Timetable and delivery of foul drainage, limit to use until infrastructure provision
- 30) Refuse collection and storage

II. Powers to be delegated to the Head of Planning, 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

Lucinda Roach