

<b>Application Number</b>	22/00571/AS	
<b>Location</b>	Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR	
<b>Grid Reference</b>	E 596682 N 140052	
<b>Parish Council</b>	Great Chart with Singleton	
<b>Ward</b>	Weald Central	
<b>Application Description</b>	Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.	
<b>Applicant</b>	Hodson Development Ltd	
<b>Agent</b>	n/a	
<b>Site Area</b>	20 Hectares	
(a) 48 'R', 4 comment	(b) Bethersden 'R' Great Chart 'R' Kingsnorth 'R' Shadoxhurst 'R'	(c) NH 'R' / KCC Highways 'R' / KCC Ecol 'R' / KCC Flood 'R' / KCC Heritage 'X' / KCC ED 'X' / KCC PROW 'X' / ABC Env 'X' / ABC Hous 'X' / RA 'R' / SW 'X' / WKPS 'R' / KP 'X' / NHS 'X'.

## Introduction

1. This application is reported to the Planning Committee because, as a result of the number of dwellings proposed, under the Council's scheme of delegation it falls to be determined by the Planning Committee.

## Site and Surroundings

2. The application site has an area of approximately 20ha and is located within the parish of Great Chart with Singleton. The site is relatively flat and is currently in agricultural use.
3. The A28 Ashford Road extends to the west of the site. The site is bounded by a low hedgerow to its western boundary with the A28, as well as taller hedgerows and trees to the eastern and southern boundaries. To the north, a

small section of the application site is located within the boundary of the adopted Area Action Plan for Chilmington Green. This land is identified for new housing and highway works within Phases 1 and 2 the Chilmington Green development. Phase 1 of the Chilmington Green development is currently under construction further to the north-east of the application site.

4. To the east, the site abuts the boundary of the adopted Area Action Plan for Chilmington Green. This adjacent land has been identified as land for ecological mitigation and water attenuation for Phase 1 of the Chilmington Green development.
5. The site is bordered by Public Right of Way (PROW) AW245 to its eastern boundary, whilst PROW AW292 extends across the site from east to west, close to the northern site boundary and the previously approved highway works.
6. The site is currently set within open countryside, outside the identified village confines of Great Chart and with only sporadic residential development in the vicinity other than the approved elements of the Chilmington Green development which are under construction to the north-east. To the south of the site is Possingham Farmhouse, a Grade II Listed farmhouse located approximately 70 metres from the closest (southern) site boundary. To the south-west of the site, a cluster of Grade II listed buildings are located approximately 180 metres from the south-western site boundary on the opposite (western) side of the A28 in the vicinity of Lodge Place. Three additional dwellings are located to the western side of the A28 towards the north-west of the site, close to the junctions with Old Surrenden Manor Road and Sandy Lane.
7. As identified above, a small section of the application site (to the north of the site) is located within the boundary of the adopted Area Action Plan for Chilmington Green. Nonetheless, the majority of the application site sits outside the Area Action Plan boundary and is not allocated for development within the Local Plan or the adopted Area Action Plan for Chilmington Green.
8. The site is identified in the Ashford Local Development Framework Landscape Character Study as being located within the Bethersden Farmlands (Chilmington Open Arable) landscape character area, where there are recommendations to restore and create landscape when dealing with planning proposals. The site is located within Flood Zone 1.

## **Proposal**

9. Outline planning permission is sought for the development of up to 655 dwellings, including 30% affordable housing, along with associated

infrastructure and landscaping. The applicant is seeking all matters to be reserved for future consideration at the reserved matters stage save for access (excluding internal access & circulation routes) which has been applied for in detail as part of the application.

10. The following parameter plans are sought to be approved at this stage which would be used to set the framework for later reserved matters submissions:

- Access and Movement Parameter Plan.
- Building Heights Parameter Plan.
- Building Density Parameter Plan.
- Land Use Parameter Plan.
- Landscape Open Space Parameter Plan.

11. Two vehicular accesses are proposed, the first being to the north of the site via a new roundabout at the junction of the A28 and Sandy Lane (previously approved by application ref 12/00400/AS) and a second access from the A28 to the west of the site. An illustrative site layout has been submitted (**Figure 1**) that shows the broad arrangement of dwellings within the residential plots, some buffer landscaping, tree planting and a road layout. As all matters are reserved, other than the access arrangements into the site, the details shown on this site layout are illustrative and should be treated as such.



Figure 1: Illustrative Site Layout

## Planning History

12. The following is relevant relating to the application site;-
13. **20/00001/EIA/AS** – Request for a screening opinion for a residential development comprising up to 600 dwellings, associated infrastructure, car parking and landscaping and open space. On 19 May 2020 the LPA confirmed that an Environmental Impact Assessment is not required for the development described above.
14. The following are relevant to land adjoining the application site that forms part of the Chilmington Green development:
15. **12/00400/AS** – Outline planning permission granted on 6 January 2017 for a Comprehensive Mixed Use Development comprising:
  - up to 5,750 residential units, in a mix of sizes, types and tenures;
  - up to 10,000 m<sup>2</sup> (gross external floor space) of Class BI use; up to 9,000 m<sup>2</sup> (gross external floorspace) of Class AI to A5 uses;
  - Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
  - Community Uses (class DI) up to 7,000 m<sup>2</sup> (gross external floorspace);
  - Leisure Uses (class D2) up to 6,000 m<sup>2</sup> (gross external floorspace);
  - Provision of local recycling facilities;
  - Provision of areas of formal and informal open space;
  - Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);
  - Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road I Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;

- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated groundworks

where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses onto the A28 and the access onto Coulter Road/Cuckoo Lane.

16. **21/00840/AS** – full planning permission granted on 1 October 2021 for an Infrastructure route which includes carriageway, footpath/cycleway, indicative locations of visitor parking bays and soft verges to the Phase 2 Avenue providing access to the Chilmington Green Secondary School site within at Chilmington Green, Great Chart, Ashford.
17. **21/00840/AMND/AS** – permission granted on 27 May 2022 for a minor amendment to planning permission 21/00840/AS to alter the junction configuration at the crossroads at Chilmington Avenue and Chilmington Green Road.
18. **12/00400/COAO/AS** – application submitted on 30 May 2022 for approval of details pursuant to Condition 17 (Detailed Phase 2 Masterplan) pursuant to planning permission ref: 12/00400/AS – Pending Decision.
19. **OTH/2023/0031** – Reserved Matters application submitted on 6 January 2023, pursuant to planning permission 12/00400/AS, for appearance, landscaping, layout, scale and access for the provision of ecological mitigation and water attenuation on Land Parcels EC6, EC7, EC8, F8 and EC17– Main AAP Phase 1, together with associated landscaping and infrastructure – Pending Decision.

## Consultations

20. **KCC Highways - Object.** Numerous concerns are raised regarding the principle of the development of this site and the adequacy of the submitted Transport Assessment. Specific concerns are raised regarding:
  - The lack of existing local facilities in the vicinity of the site which makes this an unsustainable location for the proposed development.
  - The lack of public transport to serve the development, and the lack of pedestrian connectivity to bus stops along the A28 due to there being no footway along the A28.

- The submission of an inadequate Transport Assessment including inaccurate crash data, no Stage 1 Road Safety Audits for the proposed accesses to the site, incorrect TRICS data parameters, insufficient traffic surveys, inadequate assessment the likely impact on the A28, and of the capacity of nearby junctions.
  - The lack of a Travel Plan.
21. As a result, KCC Highways consider the development would be likely to have a severe impact on highway safety along the A28 corridor.
22. **National Highways- Object** Recommend that planning permission not be granted.
23. Initially responded raising concerns regarding the impact of the development on the strategic road network. The response required the applicant to:
- Provide a highway safety assessment, depending on degree of traffic impact on the SRN,
  - Traffic flow diagrams to be revised,
  - Trip distribution/assignment to be fully justified and extended to include M20 junction 9.
24. Since the response was issued, Circular 01/2022 has come into effect. The applicant provided a revised Transport Assessment (TA) which did not accord with Circular 01/2022. The revised TA is therefore considered insufficient and does not address the concerns previously raised. National Highways advise that given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 01/2022 and NPPF 2021 [particularly paras 110 to 113]).
25. **KCC Ecology – Object** Recommend that additional information is provided prior to the determination of the application.
26. Identify that the submitted ecological impact assessment is incomplete and does not adequately assess cumulative impacts on ecological receptors from nearby developments. The additional information sought by KCC Ecology includes:
- An assessment of cumulative impacts for all important ecological receptors;

- Ditch survey data for great crested newts;
  - Complete survey data for hazel dormice;
  - Complete survey data for bats;
  - Complete survey data for breeding birds;
  - A mitigation/compensation strategy that considers all necessary ecological receptors e.g., great crested newt, hazel dormice, bats, breeding birds, badgers in relation to cumulative impacts, recreational pressures on and off-site and complete survey data;
  - Full transparency regarding the Biodiversity Metric Calculation Spreadsheet in Excel format and visibility of the plans upon which the calculations were based.
27. **KCC as Lead Local Flood Authority - Object.** KCC as the LLFA are generally in agreement with the principles proposed for dealing with surface water, namely a system which attenuates the water in two basins each with a restricted discharge to the surrounding ditch network at a combined rate equating to 4l/s/Ha. However, additional information is requested regarding:
- Greenfield runoff rate calculations –
  - The Flood Risk Assessment does not take account of new (2016) guidance on using climate change allowances in Flood Risk Assessments. The submitted assessment will need to be revised.
28. **Southern Water - No objection.** Recommend a condition is imposed on any grant of permission relating to the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development, along with an informative requiring details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
29. **KCC Public Rights of Way - No objection.** Public Byways AW292 and AW245 are directly affected by the site and Public Footpaths AW239, AW237 and AW220 either abut or are in close proximity to the proposed development. KCC PROW have no objection to the application but request by condition that a PROW scheme of management is submitted and approved by ourselves prior to the commencement of any work, and that all PROW works are completed and approved by ourselves prior to first occupation.

30. KCC PROW also advise that a financial contribution, in the form of Section 106 Agreement funding, should be allocated to mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed and to ensure connectivity to the main Chilmington Green development, schools, facilities etc. The routes for s106 funding would include Public Footpaths AW239, AW220, AW237.
31. **Weald of Kent Protection Society - Object** on the following grounds:
- The proposal is contrary to the approved ABC Local Plan.
  - The site is not included in the Chilmington Green Development Plan.
32. **Ramblers' Association - Raise concerns** that the Chilmington Green development currently in progress has already had a significant impact on the local PROW network, with a number of routes being temporarily closed or diverted during ongoing or proposed construction. This additional development may necessitate further restrictions.
33. Concerns are also raised about numerous discrepancies within the application documents, including the legal rights for use of the PROW network, the location of the PROW within the site, the number and nature of crossings over PROW and the legal status of routes, in particular PROW AW292 which is referred to in the LVIA (p14 3.4) as being “subject to a stopping up order” (May 2021) but the actual status is a (Prohibition of Traffic) Temporary Order, which is substantially different. Concern also raised regarding the use of PROW AW292 which would be crossed by the primary access into the development.
34. **KCC Economic Development - No objection.** KCC Economic Development has assessed the implications of this proposal in terms of the delivery of its community services and considers that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution through the s.106 agreement process. Contributions sought towards primary education, secondary education, community learning, youth services, library services and social care. An additional planning condition regarding broadband infrastructure is requested on any grant of permission.
35. **ABC Environmental Protection No objection.** To promote the move towards sustainable transport options and to take account of cumulative impacts of development on air quality, request the application of a condition to provide appropriate electric vehicle charging facilities. Additional conditions requested regarding the submission of a Noise Assessment to deal with traffic noise from the A28 and the nearby secondary school, to include details of any



necessary sound insulation to mitigate these impacts, a Contaminated Land Assessment and a Construction Environmental Management Plan.

36. **KCC Heritage - No objection.** The site of the proposed development lies in an area with multi-period archaeological potential. Prehistoric and Roman remains have been found in the area and several ancient routeways cross this area with potential for prehistoric and later farmsteads. There is also some potential for modern archaeology associated with the Ashford airfield, with a runway traversing the site and potential for associated cultural remains. Given the archaeological potential, a condition should be imposed on any grant of permission requiring appropriate field evaluation, safeguarding and post-excavation assessment and publication.
37. **ABC Housing - No objection** but comment that the application has a very high proportion of flats within the social/affordable rent allocation (currently proposed as 20 x 1-bed and 26 x 2-bed flats). The preference would be for an allocation of two-bedroom houses (currently there are none proposed) as well as three-bedroom houses (currently there are 17 which is considered acceptable), with fewer two-bedroom flats. The amount of one-bed flats is also considered very high in proportion to the other sizes of property ABC Housing would be concerned about the ability of any Registered Provider (RP) to manage the large number of one-bed homes in such close proximity.
38. Where they may also be a major issue in the proposals is the numbers of 1-bed flats proposed in the affordable home ownership quota. RPs have expressed concern about the lack of buoyancy in the market for shared ownership flatted units, particularly 1-bed units, and so ABC Housing would wish to see far fewer flatted units, and preferably none, in any s106 agreement.
39. ABC Housing would expect that the affordable housing units would be spread throughout the site rather than positioned in just a cluster and that the affordable housing properties would be visually integrated into the site and not discernible in terms of appearance/design/layout from the open market dwellings.
40. **Kent Police - No objection.** Recommend consulting a local Designing Out Crime Officer or qualified specialist to help design out crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict at the earliest opportunity. Request a condition be included as part of any planning approval to ensure that crime prevention is addressed effectively.
41. **Kent and Medway Clinical Commissioning Group** - The CCG has assessed the implications of this proposal on the 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 towards the refurbishment, reconfiguration and/or extension of the Woodchurch Surgery and/or Headcorn Surgery and/or towards new general practice premises development in the area.

42. **Great Chart with Singleton Parish Council – Object.** The site falls outside the Red Line boundary of the Chilmington development, and therefore no development should be allowed to take place in this area as per the Local Plan 2030 and the Chilmington Green Area Action Plan. This area was supposed to act as a buffer between the Chilmington development and the surrounding villages. The density of the proposed housing is considered too high. A number of other detailed concerns are expressed but are not listed in the response as the parish council strongly believes that this application should not be approved as a matter of principle.
43. **Shadoxhurst Parish Council - Object.** The application claims to be “a logical extension to the Chilmington Southern Fringe Character Area” but it fails to respect the ‘urban to rural transition’ design criteria embedded in the Chilmington Green Area Action Plan (AAP). As an ‘extension to Chilmington’ then the Adopted AAP and its policies should apply, in particular CG22 which relates to ‘Phasing, Delivery & Implementation’. The present application provides no evidence that any of the justifying criteria for this are met. Adding an extension to a development that has yet to be designed, let alone built, decries the claimed rational logic. In addition, the Parish Council question whether the development complies with the requirements of policy HOU5, the lack of accessibility to services, the impact of the development on the local highway network (in particular the A28), the harm caused to the Stodmarsh protected sites, the inadequacy of the submitted ecological appraisal, the need for Biodiversity Net Gain, the need for an Environmental Impact Assessment, and the urbanising impact of the development on the landscape and character of the area.
44. **Kingsnorth Parish Council - Object** due to the lack of a Transport Assessment and the development not being included in the Local Plan.
45. **Bethersden Parish Council - Object** due to the extension of built development onto agricultural land and the impact on local infrastructure, in particular the roads and drainage infrastructure.

## **Representations:**

46. A total of 48 letters of objection have been received to the application which raise the following comments:

- i. The developer should deliver what they have approval for at Chilmington Green before proposing development on additional land, including delivering the infrastructure required in the S.106 Agreement. In particular, concerns raised regarding the lack of housing, play areas and highway improvements as part of the Chilmington Green development.
- ii. Insufficient infrastructure in the vicinity of the proposed development, in particular the lack of a bus service, highway infrastructure, GP and hospital capacity, school capacity, an inadequate drainage/sewage system, and a lack of jobs.
- iii. No connectivity to the closest services and facilities, which are too far away from the site. The application is dependent on facilities within Chilmington Green that are not yet provided. Concerns raised as to whether these facilities would have the capacity to accommodate this development and the phasing of their provision.
- iv. The encroachment of further development into the countryside being unsustainable and detracting from the planned green buffer to the approved Chilmington Green development. This would cause harm to the southern fringe character area of Chilmington Green and the Discovery Park. Additional development should be directed to existing towns and on brownfield sites.
- v. The visual impact of the development and the harm caused to the landscape character, in particular due to the lack of an appropriate landscape buffer, as well as the proposed densities and scale of development being too high. These would be inappropriate for the setting of the site and would fail to ensure an adequate transition to the countryside. This conflicts with the approved parameters of the Chilmington Green Area Action Plan.
- vi. The planned Chilmington Green development went through an extensive examination and consultation process. This application undermines that process and detracts from the character of the approved Chilmington Green development and how it relates to its surroundings.
- vii. Impacts on the local highway network due to the additional traffic generation, existing safety concerns as a result of lack of improvements to mitigate the approved Chilmington Green development, in particular on the A28.
- viii. The impact on ecology, in particular due to the loss of farmland habitat, additional noise and light pollution, and a lack of appropriate surveys being carried out for protected species.

- ix. The impact on the Stodmarsh protected sites as a result of the lack of suitable measures to ensure nutrient neutrality. The development would therefore not address the shortfall in five-year housing land supply because it cannot be built out as it hasn't demonstrated that it would be nutrient neutral.
  - x. The impact on nearby listed buildings, in particular the Grade II Listed Possingham Farmhouse, due to the close proximity and scale of the proposed development, and an inadequate landscape buffer. In addition, the lack of a Heritage Statement being submitted that fully assesses the impact on nearby heritage assets.
  - xi. The impact on neighbour amenity, in particular due to the urbanisation of the area, additional traffic, noise and disturbance.
  - xii. The lack of incorporation of sufficient sustainable construction measures.
  - xiii. Increased flood risk.
  - xiv. The proposed play areas within the development being too small.
  - xv. The lack of an Environmental Statement as the development would constitute EIA development due to its relationship with the wider Chilmington Green development.
  - xvi. Concerns regarding the lack of sales of houses in the Chilmington Green development, the viability of development in this area and the need for additional unallocated development.
  - xvii. Impact on property values.
47. In addition, four letters were received which neither objected to nor supported the proposed development. These raised the following matters:
- i. Questioned whether the development is within the Chilmington Green Area Action Plan area – if it is outside then why is additional land required when the allocated site hasn't been delivered?
  - ii. The applicant should focus on the approved development and infrastructure before being allowed to develop on additional land.
  - iii. An inaccuracy in the Planning Statement about the location of the new access into the development.
  - iv. A request for a copy of the Traffic Impact Assessment.

## Planning Policy

48. The Development Plan for Ashford Borough comprises;-
- (i) the Ashford Local Plan 2030 (adopted February 2019),
  - (ii) the Chilmington Green AAP (adopted July 2013),
  - (iii) the Wye Neighbourhood Plan (adopted March 2016),
  - (iv) the Pluckley Neighbourhood Plan (adopted April 2017),
  - (v) the Rolvenden Neighbourhood Plan (adopted December 2019),
  - (vi) the Boughton Aluph & Eastwell Neighbourhood Plan (adopted October 2021)
  - (vii) the Egerton Neighbourhood Plan (adopted March 2022)
  - (viii) the Charing Neighbourhood Plan (adopted July 2023)
  - (ix) the Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste Early Partial Review (2020).
49. Although not yet part of the Development Plan, the following emerging Neighbourhood Plans are a material consideration:
- (i) Tenterden Neighbourhood Plan currently at Regulation 16 stage in the plan making process.
  - (ii) Pluckley Neighbourhood Plan Review currently at Regulation 16 stage in the plan making process.
  - (iii) Aldington & Bonnington Neighbourhood Plan currently at Regulation 14 stage in the plan making process.
50. The relevant policies from the Development Plan relating to the part of the application site outside of the Chilmington Green AAP area are as follows:-

### Ashford Local Plan 2030

SP1 Strategic Objectives

SP2 The Strategic Approach to Housing Delivery

SP6	Promoting High Quality Design
SP7	Separation of Settlements
HOU1	Affordable Housing
HOU5	Residential windfall development in the countryside
HOU6	Self and Custom Built Development
HOU12	Residential space standards internal
HOU14	Accessibility standards
HOU15	Private external open space
HOU18	Providing a range and mix of dwelling types and sizes
TRA1	Strategic Transport Schemes
TRA3a	Parking Standards for Residential Development
TRA4	Promoting the local bus network
TRA5	Planning for Pedestrians
TRA6	Provision for Cycling
TRA7	The Road Network and Development
TRA8	Travel Plans, Assessments and Statements
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV5	Protecting important rural features
ENV6	Flood Risk
ENV7	Water Efficiency
ENV8	Water Quality, Supply and Treatment
ENV9	Sustainable Drainage

ENV12	Air Quality
ENV13	Conservation and Enhancement of Heritage Assets
ENV14	Conservation Areas
ENV15	Archaeology
COM1	Meeting the Community's Needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure Provision
IMP4	Governance of public community space and facilities

Kent Minerals and Waste Local Plan (2016) & the Kent Minerals and Waste  
Early Partial Review (2020)

DM7	Safeguarding Mineral Resources
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51. The relevant policies relating to the part of the application site within the Chilmington Green AAP area are as follows:-

CG0	Presumption in Favour of Sustainable Development
CG1	Chilmington Green Development Principles
CG11	Highways and Access
CG12	Public Transport
CG13	Cycling and Walking
CG20	Sustainable Drainage
CG21	Ecology
CG22	Phasing, Delivery and Implementation

52. The following are also material considerations to the determination of this application.

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Landscape Character Assessment SPD 2011

Residential Space and Layout SPD 2011 (external space only)

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2010

Public Green Spaces and Water Environment SPD 2012

Dark Skies SPD 2014

Fibre to the Premises SPD 2020

Ashford Borough Council Climate Change Guidance for Development  
Management 2022

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2023

53. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the NPPF. The NPPF states that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraphs 20 – 23 - Strategic policies.

Paragraph 34 - Developer contributions.

Paragraph 38 - Decision making.

Paragraphs 47 to 50 - Determining planning applications.

Paragraphs 55 to 58 - Planning conditions and obligations.

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

Paragraphs 68 to 73 - Identifying land for homes.



Paragraphs 74 to 77 – Maintaining supply and delivery.

Paragraphs 78 to 80 – Rural housing.

Paragraphs 92 to 97 - Promoting healthy and safe communities.

Paragraphs 98 to 103 – Open space and recreation.

Paragraphs 104 to 109 – Promoting sustainable transport.

Paragraphs 110 to 113 - Considering development proposals.

Paragraphs 114 to 118 - Supporting high quality communications.

Paragraphs 119 to 123 - Making effective use of land.

Paragraphs 124 to 125 - Achieving appropriate densities.

Paragraphs 126 to 136 - Achieving well-designed places.

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

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

Paragraphs 179 to 182 - Habitats and biodiversity.

Paragraphs 183 to 188 - Ground conditions and pollution.

Paragraphs 189 to 208 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Technical housing standards – nationally described space standards

## **Assessment**

54. The main considerations in the assessment of the application are as follows:
- a) Principle of development
  - b) Landscape and visual impact
  - c) Highways and transportation
  - d) Ecology

- e) Flood risk, drainage and surface water
- f) Heritage
- g) Residential amenity
- h) Housing, including affordable housing
- i) Contamination
- j) Sustainability and climate change
- k) Habitats Regulations Assessment
- l) Housing land supply
- m) Community infrastructure

**a) Principle of development**

55. Policy SP1 of the ALP 2030 identifies a number of strategic objectives, the first of which is to focus development at accessible and sustainable locations which utilise existing infrastructure, facilities and services wherever possible and to make best use of suitable brownfield opportunities.
56. A small parcel of land to the north-east of the application site is located within the boundary of the Chilmington Green Area Action Plan (AAP). This comprises land granted full planning permission to construct a new highway and access off the A28 and land granted outline planning permission for new housing, all part of the Chilmington Green development. The highway works would form 'access C' into the Chilmington Green development from the A28, which provides an entrance to the Orchard Village character area (as established within the Chilmington Green Design Code). The housing, granted outline planning permission, is due to be brought forward as part of Phase 2 of the Chilmington Green development. This land is identified, in the current application for the Phase 2 masterplan, as land parcel A2, and is proposed to provide 32 houses.
57. The remainder of the application site is located outside the boundaries of the AAP, on land that does not form a site-specific allocation within the development plan for Ashford. The AAP defines the boundary of the built footprint of the Chilmington Green development, providing firm spatial boundaries within which development at Chilmington Green should take place.

58. The submitted parameter plans for the Possingham Farm development show almost all of the proposed dwellings to be located outside of the AAP boundary, with only the approved highway works and a small area of housing land, identified above, to the north of the site being located within the AAP boundary. With this in mind, for the purposes of assessing the site's suitability for development, the development has to be assessed almost entirely against Local Plan policy HOU5 – '*Residential windfall development in the countryside*'. I deal with that below.
59. On this basis I have addressed below the key issues affecting the very large majority part of the site which falls outside the AAP area. However, the lack of detailed consideration of the part of the application that falls within the AAP area does not imply that it is acceptable when assessed against the policies in the AAP and other material considerations; it also ensures that this report does not prejudice the consideration in due course of the pending application in respect of parcel A2. It is merely a practical recognition that the primary intent and focus of this application is on large-scale development outside parcel A2 and that its acceptability, or otherwise, rests largely (through not exclusively) on that. In the event of an appeal being made, the Council will, in the light of the then status of the pending application in respect of parcel A2, the AAP and all other material considerations, confirm its assessment of this application's proposals in respect of that small parcel.

Residential windfall development in the countryside

60. Local Plan policy HOU5 sets out a series of criteria to be met for development that is adjoining or close to the existing built up confines of the listed settlements. In this case the Possingham Farm site does not adjoin any of the listed settlements, however it could be considered close to Ashford and Great Chart. The HOU5 criteria are set out below:
- a. *The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;*
  - b. *The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services*
  - c. *The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local*

*and wider road network without adversely affecting the character of the surrounding area*

- d. *The development is located where it is possible to maximise the use of public transport, cycling and walking to access services*
- e. *The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality*
- f. *The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-*
  - i) *it sits sympathetically within the wider landscape,*
  - ii) *it preserves or enhances the setting of the nearest settlement,*
  - iii) *it includes an appropriately sized and designed landscape buffer to the open countryside,*
  - iv) *it is consistent with local character and built form, including scale, bulk and the materials used,*
  - v) *it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,*
  - vi) *it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1*

61. I assess below the proposed development against these HOU5 criteria, as well as the other main areas of consideration, in the topic-specific sections of this report.

**b) Landscape and visual impact**

62. The application site comprises undeveloped agricultural land which is not allocated for development in the development plan. The site is bordered by the A28 to the west, which is a main route into Ashford from settlements to the west and south-west, such as Tenterden, Tunbridge Wells and villages such as Bethersden. The site is located in a prominent location which is highly visible from the A28, as well as the adjacent Public Rights of Way AW292 and AW245.

63. The landscape character from the A28 transitions gradually, from rural countryside in the vicinity of the application site, to suburban forms of residential development at the approach of Singleton and into Ashford.
64. The Chilmington Green AAP requires lower densities and a lower scale of development in areas closer to the countryside, such as in the vicinity of the application site, with higher densities and building heights in more central areas. This, coupled with the use of landscape buffers and design measures, will ensure that the Chilmington Green development responds sympathetically to the rural landscape character of its setting. I consider that the Possingham Farm site currently makes a positive contribution to the rural character of the area and that it will positively contribute to the rural setting of the Chilmington Green development as that is further built out.
65. The site is bounded by a hedgerow along its western boundary with the A28. Whilst this boundary hedgerow is proposed to largely be retained, a development of the proposed scale, density and site coverage would naturally create an increased visual impact within the wider landscape.
66. The Landscape and Visual Impact Appraisal (LVIA) submitted with the application identifies that the development would be likely to have an initial major-moderate adverse impact on views from the east of the site, including from PROW245, and to the south and west of the site, including from the A28. The LVIA identifies that with mitigation, such as green infrastructure within the development and the built form and design of the development, the impact of the development could be mitigated.
67. I acknowledge that a landscape buffer could reduce the visual harm of the development on countryside views, however, I consider that the proposed indicative layout fails to accommodate a sufficient landscape buffer. For example, to the north-east of the development, a residential parcel containing 3 and 4-storey dwellings of the highest density range is proposed to directly abut the site boundary, with no landscape buffer. To the south of the site, close to the Grade II Listed Possingham Farmhouse, a landscape buffer of approximately 5m is proposed. A significantly greater landscape buffer would be required to be effective in accordance with policy HOU5 of the Local Plan and to reduce the visual impact of the encroachment of development on the countryside.
68. Turning to the general layout proposed, the layout is dense and would fail to respect the pattern of development in the area. The densities proposed in this application start at 50-59dph to the north of the site, closest to the adjacent Chilmington Green development, and reduce to 30-39dph to the south of the site. For comparison, the Chilmington Green plots closest to the application site would have a density of 16-25dph. I note that the densities in the centre of

Chilmington Green site increase to 41-66dph but this is within the centre of the site and located closest to the proposed facilities and the proposed bus route. There are no such facilities proposed within the application site so I do not consider the high densities proposed to be appropriate for this site and they would sit uncomfortably with the reduced density at the edges approach taken in the Chilmington Green development and so undermine that intentional design approach for this location.

69. Additionally, little meaningful public open space is proposed, in particular within the residential parcels themselves. The development would lack public open space and would not accord with the 'garden community' ambitions of the approved Chilmington Green development in the vicinity of the site.
70. Given the proposed density of the scheme, as identified by the indicative proposals illustrating how it could be accommodated, the development would not accord with prevailing local character and built form and would contribute towards an urbanising impact upon the countryside. The density proposed would in turn have a harmful impact on landscape character. I do not consider the above objections could realistically be addressed by a future reserved matters application without a significant reduction in the number of residential units proposed and the application is made to the Council with up to 655 homes in mind within the defined red-line application site.
71. I therefore consider the proposed development would result in an overly urban form of development that would not provide an acceptable landscape buffer to the countryside and would harm the rural character of the area, as well as the setting of the Chilmington Green development. The development would also fail to provide a good standard of public amenity for future residents of the site. The development is therefore in conflict with policies SP1, HOU5 and ENV3a of the Local Plan and the NPPF which seek to ensure that the scale and nature of development is appropriate to its context.

**c) Highways and transportation**

72. Local Plan policy TR8 requires applications for development proposals of this scale to be accompanied by a Transport Assessment which assesses the impact of development proposals on the highway network and details any necessary mitigation to be secured as part of development proposals.
73. Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

74. KCC Highways and Transportation were consulted on the scheme and have responded with a holding objection, raising a number of concerns with the proposed development and the level of information provided to assess the impact of the development on the highway network. The objection specifically relates to the lack of local facilities in the vicinity of the site, the lack of public transport to serve the development, the submission of an inadequate Transport Assessment, and the likely severe impact on highway safety along the A28 corridor.
75. In addition, National Highways have raised a holding objection due to concerns that the development has the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in particular, within the vicinity of the M20 motorway at junction 9. Further information is required from the applicant to demonstrate the potential impacts.

#### Local facilities

76. The facilities within the proposed district and local centres at the Chilmington Green development have not yet been provided and are not scheduled to be provided for some time. Without these facilities in place, homes within the application site would not be served by appropriate local facilities that would be convenient and accessible by sustainable modes of transport.
77. As a result of the lack of local facilities, journeys to the nearest existing and future services are likely to be made by private motorised transport and not more sustainable modes, such as walking or cycling.
78. In view of the lack of local facilities in the vicinity of the site, the development cannot be considered to be sustainable by association with Chilmington Green and the proposal would be in conflict with policies SP1, HOU5, TRA5 and TRA6 of the Local Plan and the NPPF which seek to focus development at accessible and sustainable locations and to promote sustainable modes of transport. A concurrent view is held by KCC Highways & Transportation.

#### Public transport

79. The Chilmington Green development is not currently served by a bus service. The initial service agreed in the S.106 to serve Phase 1 for that development has not been provided in accordance with the agreed timescales. The service proposed to serve Phase 3 of the Chilmington Green development that would run closest to the Possingham Farm site is not due to be brought forward for many years. In addition, the applicant for this application has not proposed to secure a bus service to serve this development. The proposed development would therefore not be accessible by public transport and any future occupiers would be reliant on private cars for their day-to-day journeys.

80. As a result of the lack of public transport options, the development of this site cannot be considered to be sustainable and the development would be in conflict with policies SP1, HOU5 and TRA4 of the Local Plan and the NPPF which seek to focus development at accessible and sustainable locations where there are opportunities for residents to make use of existing or altered/expanded public transport options. A concurrent view is, again, held by KCC Highways & Transportation.

Transport Assessment

81. KCC Highways and Transportation and National Highways, in their roles as Local and Strategic Highway Authorities, have advised that the submitted Transport Assessment is deficient in assessing the impact of the proposed development on the local and strategic highway network.
82. The Local Highway Authority has advised that additional information would be required in order to allow a full assessment of the impact of the development on the highway network to take place, namely full details of crash data, Stage 1 Road Safety Audits for the proposed vehicular accesses into the development, updated trip generation calculations (TRICS assessment), updated travel pattern data, updated trip distribution calculations and revised junction assessments to incorporate assessments of additional junctions.
83. The Local Highway Authority has advised that they consider the impact of the development on the highway network has been downplayed as a result of the above discrepancies in the Transport Assessment. Nonetheless, on the basis of the information submitted, they have advised that they consider the proposed development would have a severe impact on the A28 corridor, which would lead to increased travel times, delay and congestion and would have a resulting detrimental impact on highway safety.
84. The Strategic Highway Authority has advised that there is need for consideration to be given to Department for Transport Circular 01/2022; a highway safety assessment, depending on degree of traffic impact on the SRN; revised traffic flow diagrams; and, trip distribution/assignment to be fully justified and extended to include M20 junction 9. They also advise that once the above information has been satisfactorily provided, further assessment may be required, including highway capacity analysis, collision analysis and consideration of committed/local plan development.
85. In view of the lack of a comprehensive and robust assessment of the impact of the development on highway safety and capacity being submitted by the applicant, as well as the concerns raised by the Local and Strategic Highway Authorities regarding the impact of the development on the highway network, I consider the proposal would be in conflict with policies SP1 and HOU5 of the



Local Plan which seek to direct development to areas where safe and sustainable transport options are available, as well as policies TRA7 and TRA8 which require an assessment of the impact of development proposals on the highway network and any necessary mitigation to be secured as part of development proposals.

86. The development would also be in conflict with paragraph 110 of the NPPF which states that applications for development should provide a safe and suitable access to the site and that any significant impacts on the highway network or on highway safety should be mitigated. Given the Strategic and Local Highway Authorities concerns regarding the likely severe impact of the development on highway capacity and the resulting detrimental impact on highway safety, the application should be refused in accordance with paragraph 111 of the NPPF.

**d) Ecology**

87. Local Plan policies SP1 and ENV1 seek to conserve or enhance biodiversity. Policy ENV1 states that development should avoid significant harm to biodiversity assets and that where harm to biodiversity assets cannot be avoided, appropriate mitigation will be required in accordance with an agreed timetable. Development proposals should seek opportunities to incorporate and enhance biodiversity, including taking opportunities to help connect and improve wider ecological networks.
88. Paragraph 180 of the NPPF states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.
89. KCC Ecologists were consulted on this application and have advised that the applicant’s submitted ecological impact assessment is incomplete and that additional information would be required in order for the impact of the development to be fully understood.
90. KCC’s response advises that additional survey data is required in relation to great crested newts, hazel dormice, bats, breeding birds. There is also an inadequate assessment of cumulative impacts on species as a result of other nearby development. KCC advise that the survey data should be used, along with the assessment of cumulative impacts, to inform an updated and robust compensation/mitigation strategy.
91. In the absence of appropriate surveys and a robust assessment of the cumulative impact of development in the vicinity, I consider that the applicant has failed to demonstrate that the development would not cause harm to

protected species. The applicant has also failed to demonstrate that appropriate mitigation measures can be secured. The proposal is therefore in conflict with policies SP1 and ENV1 of the Local Plan. Given the lack of appropriate mitigation, or compensation, for the harm caused to biodiversity resulting from the development, the application should be refused in accordance with paragraph 180 of the NPPF.

**e) Flood risk, drainage and surface water**

92. Policy ENV6 of the Ashford Local Plan states that proposals for new development should contribute to an overall flood risk reduction. Policy ENV9 outlines that all developments should include appropriate sustainable drainage systems. The Council's Sustainable Drainage SPD sets out how developers can meet the requirements of policy ENV9.
93. KCC as the LLFA were consulted on the application in their role as Lead Local Flood Authority. KCC raised a holding objection to the proposed development as a result of a lack of information in relation to the extent of the developable area used in the drainage calculations to calculate the greenfield runoff rates, as well as the surface water drainage strategy not incorporating the most up to date guidance from the Environment Agency on the use of climate change allowances in flood risk assessments. It is open for any applicant to enter into chargeable pre-application discussions with the LLFA to help identify the information that will need to be supplied prior to making an application.
94. Given the overall policy objection to the scheme, the additional calculations and modelling have not been requested of the applicant. On the basis of the information that has been submitted, the application would be in conflict with policies SP1, ENV6 and ENV9 of the Ashford Local Plan.

**f) Heritage**

95. Policy ENV13 of the Local Plan requires development proposals to preserve or enhance the heritage assets of the Borough. Where a proposal would lead to the loss of or harm to the significance of a heritage asset or its setting, development will not be permitted unless it can be demonstrated that public benefits will be delivered by the development that outweigh the harm to, or the loss of, the heritage asset. This requirement is replicated by paragraphs 200-202 of the NPPF.
96. The nearest heritage asset to the proposed development is Possingham Farmhouse, a Grade II Listed building located to the south of the site. A further cluster of Grade II listed buildings are located to the south-west of the site in the vicinity of Lodge Place, to the opposite side of the A28.

97. The site boundary is located approximately 70 metres to the west and 130 metres to the north of Possingham Farmhouse, with the submitted land use parameter plan indicating that the built development would be set away from these boundaries by distances of approximately 10 metres to the west and 5 metres to the north. The built development would therefore be located approximately 80 metres and 135 metres away from the farmhouse.
98. The applicant has not submitted a heritage assessment, however the applicant's planning statement concludes that *"the proposed development is considered to incur only a very low degree of harm, at the lowest end of the spectrum of less than substantial harm, to the significance of Possingham Farmhouse through the general erosion of its wider agricultural landscape setting. No potential adverse impacts have been identified in relation to the Lodge Place group of listed buildings."*
99. Given the distances of separation to the nearby heritage assets, as well as the presence of the intervening landscaping and the A28, I broadly concur with the applicant's assessment of the impacts of the proposed development on the heritage assets. Whilst the impact is on the lower spectrum of less than substantial harm, in accordance with the requirements of policy ENV13 of the Local Plan and the NPPF, this harm would need to be weighed against the public benefits of the development, which would need to be assessed to that end.

#### Archaeology

100. Policy ENV15 of the Local Plan requires an assessment of the impact of the development on archaeological heritage.
101. KCC Heritage were consulted on the application and advised that as a result of the potential archaeological interest of the site, a condition should be imposed on any grant of permission requiring appropriate field evaluation works and follow-up work to be carried out in order to preserve and/or record important archaeological remains. I consider appropriate conditions could adequately address this matter, should the development be otherwise considered acceptable.

#### **g) Residential amenity**

102. I consider that the existing neighbouring residents in the vicinity of the site are unlikely to be affected by the residential activity generated by the proposals when the development is fully occupied. I consider there to be the potential for there to be impacts on the amenities of existing local residents during the construction of the development, but that relevant environmental protection

measures could be secured by a planning condition, such as requiring the provision of a Construction Management Plan, to help mitigate these impacts.

103. In terms of the amenities of the future occupiers of the development, I consider that conditions could be imposed to ensure that future residents would benefit from adequate internal and external private space, in accordance with relevant Local Plan policies HOU14 and HOU15.
104. I am satisfied that mitigation measures secured by condition could appropriately safeguard the amenities of existing local residents and the future occupiers of the development, should the development otherwise be considered acceptable.

**h) Affordable housing**

105. Policy HOU1 of the Local Plan requires the provision of no less than 30% of residential units in schemes in this area to be provide as affordable housing. In addition, policy HOU14 requires at least 20% of all new build homes to be built in compliance with Building Regulations part M4(2) as a minimum standard and a maximum of 7.5% of the affordable rented homes should be built to Building Regulations part M4 (3b).
106. The applicant has proposed a 30% affordable housing provision as part of this development, to be provided at the agreed tenure split of 10% affordable/social rent accommodation and 20% affordable home ownership products (including a minimum of 10% shared ownership). The applicant has also confirmed their intention for a minimum of 20% of the residential units to be compliant with Building Regulations part M4(2). The applicant has not confirmed that a maximum of 7.5% of the affordable rented homes would be built to Building Regulations part M4 (3b).
107. Whilst the applicant's stated affordable housing provision would comply with the requirements of policy HOU1 and the provision of M4(2) compliant dwellings would comply with the requirements of policy HOU14(a), in the absence of a S.106 agreement to secure this affordable housing the development, as currently proposed, would not comply with the requirements of Local Plan policies HOU1 and HOU14(a), noting also that the requirements of policy HOU14(b) would also need to be met..
108. Policy HOU6 of the Local Plan requires all sites within and on the edge of Ashford delivering more than 40 dwellings and in the villages and rural areas sites delivering more than 20 dwellings to supply no less then 5% serviced dwelling plots for sale to self or custom builders. The applicant has not proposed any self / custom build plots as part of the development, contrary to policy HOU6.

109. Policy HOU18 of the Local Plan requires development proposals of 10 or more dwellings to deliver a range and mix of dwelling types and sizes to meet local needs. The applicant has provided an indicative dwelling mix, as shown in **Figure 2** below. As set out in the ‘Consultation’ section of this report above, the Council’s Housing Services team has raised concerns about the very high proportion of flats proposed within the social/affordable rent allocation. Given that this application is submitted in ‘Outline’ the dwelling mix is indicative. Future reserved matters applications would need to comply with policy HOU18 - a condition would be required to secure this compliance.

House Type	No of Private Dwellings	Percentage (circa %)	No of Affordable Dwellings	Percentage (circa %)
1 Bed dwelling	46	10%	59	30%
2 Bed dwelling	160	35%	78	40%
3 Bed dwelling	183	40%	50	25%
4+ Bed dwelling	69	15%	10	5%
<b>Total</b>	<b>458</b>	<b>100%</b>	<b>197</b>	<b>100%</b>

**Figure 2:** Illustrative Dwelling Mix

**i) Contamination**

110. Paragraph 183 of the NPPF requires an assessment of the ground conditions of a site, including any risks arising from contamination, alongside an assessment of proposed mitigation and/or remediation.
111. ABC Environmental Protection have assessed the proposal in terms of potential contamination and have recommended that a condition be imposed on any grant of permission requiring necessary assessments to be carried out, and any appropriate remediation measures to be identified, prior to the commencement of the development. I consider an appropriate condition could adequately address this matter, should the development be otherwise considered acceptable.

**j) Sustainability and climate change**

112. Policy SP1 of the Local Plan requires new developments to be resilient to and mitigate against the effects of climate change. The Council’s Climate Change Guidance for Development Management sets out guidance on the types of infrastructure that will be expected to be delivered as part of new housing development in order to help mitigate the impacts of climate change, namely solar technology, EV charging and rainwater harvesting.

113. The applicant proposed that the development would be constructed to comply with Part L 2013 of the Building Regulations as a minimum, and that the water efficiency standards would meet the required maximum of 110 litres per person per day, as stated by Local Plan policy EN7.
114. Given the lack of sustainable construction measures and lack of infrastructure proposed for this development, I do not consider the development would help to mitigate against the effects of climate change. The development would therefore be in conflict with Local Plan policy SP1 and the Council's Climate Change Guidance for Development Management and para 157 of the NPPF

**k) Habitats Regulations Assessment**

115. The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which includes a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar Site. This advice relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
116. In line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development within the Stour river catchment and/or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, where necessary, subject to an Appropriate Assessment, in order for planning permission to lawfully be granted.
117. The site is located in close to the Stour catchment area and the nearest mains waste water drainage connect would drain into the Ashford waste water treatment works at Bybrook which is located within the Stour catchment. The application proposes overnight accommodation which could have an adverse impact on the integrity of the Stodmarsh protected sites.
118. With regard to the management of wastewater from the development, the nutrient neutrality statement submitted with the application states that the development is proposed to connect to a new wastewater system for the wider Chilmington Green development which would treat wastewater onsite and discharge treated effluent outside of the Stour Management Catchment. A planning application has been submitted for the construction of a waste water treatment plant (WwTP) within the Chilmington Green site and this is reported separately on this Committee Agenda. The documents submitted with the WwTP application indicate that it would only be sized to treat waste water from part of the Chilmington Green development. There would not be

capacity to treat waste water from the proposed development of Possingham Farm. It is therefore unclear how the applicant intends to deal with waste water from the development in order to achieve nutrient neutrality. As a result, a likely significant effect on the aforementioned protected sites cannot be ruled out and an Appropriate Assessment could not be adopted on the basis of that which is presently proposed.

119. With regard to the management of surface water from the development, the site is located outside the Stour catchment and surface water would drain away from the Stour catchment. There is no hydrological pathway for surface water between the site and the Stodmarsh protected sites so a likely significant effect on the protected sites from surface water can be ruled out.
120. As matters stand, the applicant has failed to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site. Planning permission cannot therefore be lawfully granted for the development and I recommend that this forms a reason for refusal of the application.

#### **I) Housing land supply**

121. Turning to housing land supply considerations, the Council is not currently able to demonstrate the minimum five-year supply of housing, as required by paragraph 74 of the NPPF.
122. The Council's last published supply position was the Five Year Housing Land Supply Update July 2021 ('5YHLSU') covering the period 2021 - 2026 which states that the Council are able to demonstrate a housing land supply position of 4.54 years. However, in a decision on an appeal in Tenterden dated March 2022 (the 'Wates' appeal reference APP/E2205/W/21/3284479), the Inspector suggested that the Council is only able to demonstrate a 5YHLS position of 3.5 years. The Council therefore accept that the Inspector's figure of 3.5 years is relevant, and therefore material to the determination of planning applications and appeals.
123. Of importance is that the Council's housing land supply position of between 3.5 years and 4.54 years has been upheld in several more recent appeal decisions including:
- a. Appeal Ref: APP/E2205/W/21/3289039 - Land off Front Road, Woodchurch, Kent, dated 3 November 2022
  - b. Appeal Ref: APP/E2205/W/22/3302116 - Land North East of 74 North Street, Biddenden, Kent, dated 30 November 2022

- c. Appeal Ref: APP/E2205/W/22/3300798 - Land to South of Hookstead Green, Ashford Road, High Halden, Ashford, Kent dated 2 December 2022
  - d. Appeal Ref: APP/E2205/W/22/3298686 - Land rear of 7 to 14 Harmers Way, Egerton, dated 4 April 2023
  - e. Appel Ref: : APP/E2205/W/23/3320146 - Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, dated 6 November 2023.
  - f. Appeal Ref: APP/E2205/W/23/3322574 - Land East of Ashford Road, Kingsnorth, dated 26 October 2023.
124. The inability to demonstrate a 5 year supply of deliverable housing sites means that, paragraph 11(d) of the NPPF (referred to as the 'tilted balance') is engaged. Paragraph 11(d) states:
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
125. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise.
126. The tilted balance is engaged unless either of the criteria (i) or (ii) of paragraph 11(d) are met. Criterion (i) refers to policies in the Framework that protect areas or assets of particular importance, examples of these types of environments are listed in Footnote 7 of the NPPF. Among those listed are habitats sites. The site is located outside the Stour catchment, however new housing, if connected to the nearest mains drainage, would drain to a waste water treatment works within the Stour catchment and as a result could have an impact on the protected Stodmarsh Lakes, which are located in Canterbury. As the development could have an impact on the Stodmarsh designated sites, this would engage criterion (i) of paragraph 11(d).



127. With the above in mind, paragraph 182 of the NPPF is also relevant, as it sets out that the presumption in favour of sustainable development does not apply for development that is likely to have a significant effect on a habitats site and unless an appropriate assessment has concluded that the development will not adversely affect the integrity of the habitats site (e.g. Stodmarsh).
128. The applicant has failed to demonstrate that the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site, therefore criterion (i) of para 11(d) of the NPPF applies. This provides a clear reason for refusing the development proposed.
129. Finally, with regard to criterion (ii), I consider that the harm from adverse planning impacts of granting planning permission for the proposed development, as described above, would significantly and demonstrably outweigh the planning benefits (housing delivery) when assessed against the NPPF read as a whole.

**m) Community infrastructure**

130. Regulation 122 of the Community Infrastructure Regulations 2010 stipulates that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is 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. Section 106 planning obligation requests include provision for primary healthcare and county council services, affordable housing and the borough's public open space.
131. If the proposed development was acceptable in all other respects (which, in my opinion, it is not) then the planning obligations set out in the **Table 1** below would be sought through a recommendation that outline permission be granted subject to the applicant entering into a s.106 agreement.

**Table 1 - Heads of Terms for Section 106 Agreement/Undertaking**

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the basis of the Council's CIL compliance statement along with any necessary additions, amendments and clarifications as may be required for the Planning Inspectorate. In particular, trigger points identified below will need to be revised into phased trigger points to align with any proposed phasing strategy put forward; for the time being, indicative trigger points within each phase are shown.

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20	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
<b>Ashford Borough Council Planning Obligations</b>			
1	<p><b><u>Affordable Housing</u></b>                      Amount to be secured in accordance with Policy HOU1:</p> <p>30% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> <li>• 10% for affordable or social rent.</li> <li>• 20% for affordable home ownership (of which 10% of the total dwellings should be shared ownership).</li> </ul> <p>An Affordable Housing Scheme for each phase to be submitted to and approved in writing by the Council prior to the submission of a reserved matters application for the relevant phase.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination</p>	<p>66 affordable rent units</p> <p>131 shared ownership units (66 units to be shared ownership and 65 to be either shared ownership or an affordable homes ownership product - to be agreed with ABC Development Partnership Manager)</p>	<p>To be constructed and transferred to Registered Provider before occupation of 75% of the general market units</p>

	<p>agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>		
2	<p><b><u>Accessible and Adaptable Dwellings</u></b>                  Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 7.5% of affordable rented dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the affordable rented element of the development.</p>	<p>131 M4(2) across the whole site.</p> <p>Not fewer than 7.5% M4(3b) of the affordable rented dwellings in each phase.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
3	<p><b><u>Allotments</u></b>                  Project detail (off site):</p> <p>Financial contribution towards existing allotments and/or community garden within the Great Chart with Singleton Parish, to provide a qualitative improvement, and/or provision of new allotments.</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings</p>

<p>4</p>	<p><b><u>Amenity Open Space Land</u></b>                  Project detail:</p> <p>To provide the Amenity Open Space Land in each phase in accordance with the relevant reserved matters approval</p> <p>The developer to ensure the Amenity Open Space Land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an ‘Appointed Professional’, at the developers cost, to inspect and advise the Stewardship Body as to whether the Amenity Open Space Land has been satisfactorily completed.</p> <p>The Amenity Open Space Land to be transferred to a Stewardship Body to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Amenity Open Space Land being transferred to the Stewardship Body.</p>	<p>On site:</p> <p>all those parts of the site comprising verges and all areas (not privately owned) in and around dwellings, excluding public open space/play space</p>	<p>The Amenity Open Space Land to be provided upon occupation of 75% of the dwellings.</p>
<p>5</p>	<p><b><u>Art and Creative Industries</u></b>                  Project detail:</p> <p>Contribution towards the provision of public art or the delivery/enhancement of a facility on or off site within the Great Chart with Singleton Parish.</p>	<p>£338.40 per dwelling for capital costs</p> <p>Indexation:                  BCIS General Building Cost index Quarter 1 of 2019</p>	<p>Before the occupation of 75% of the dwellings.</p>

<p>6</p>	<p><b><u>Children and Young People’s Play Space</u></b>                  Project detail (on site):</p> <p>To provide the Children’s and Young People’s Play Space Facilities on site in accordance with the relevant reserved matters approval.</p> <p>The developer to ensure the Children’s and Young People’s Play Space Facilities land is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an ‘Appointed Professional’, at the developers cost, to inspect and advise the Stewardship Body as to whether the Children’s and Young People’s Play Space Facilities have been satisfactorily completed.</p> <p>The Children’s and Young People’s Play Space Facilities to be transferred to the Stewardship Body to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Children’s and Young People’s Play Space Facilities being transferred to the Stewardship Bod</p>	<p>On site:</p> <p>A minimum of 0.79 hectares                  +                  £663 per dwelling for maintenance</p> <p>Indexation: BCIS                  General Building Cost index Quarter 3 of 2012</p>	<p>The play facilities to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Council before the occupation of 50% of the dwellings (or upon completion of the facilities in the relevant phase, if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p>
<p>7</p>	<p><b><u>Community Building</u></b>                  Project detail (off site):</p>	<p>Off site:</p> <p>£1870.83 per dwelling</p>	<p>50% of the total amount due will be payable before the occupation of 50% of</p>

	<p>Contribution towards an existing facility or the construction of a new facility in the Great Chart with Singleton Parish.</p>	<p>for capital costs                  +                  £528.33 per dwelling                  for maintenance</p> <p>Indexation: BCIS                  General Building Cost                  index Quarter 3 of                  2012</p> <p>Indexation applied                  from the date planning                  permission is granted.</p>	<p>the dwellings, with the                  remainder being payable                  upon occupation of 75% of                  the dwelling</p>
<p>8</p>	<p><b><u>Indoor Sports Provision</u></b>                  Project detail (<b>off site</b>):</p> <p>Contribution towards indoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>Off site:</p> <p>£83,08 per dwelling                  for capital costs (3G                  pitches)                  +                  £527,32 per dwelling                  for capital costs                  (sports hall)</p> <p>(capital only –                  contributions are                  derived from the latest                  Sport England                  Calculator).</p> <p>Indexation: BCIS</p>	<p>50% of the total amount                  due will be payable before                  the occupation of 50% of                  the dwellings, with the                  remainder being payable                  upon occupation of 75% of                  the dwellings</p>

		General Building Cost index quarter 1 of 2019	
9	<p><b><u>Informal Natural Green Space</u></b>                      Project detail (on site):</p> <p>To provide the Informal Natural Green Space in accordance with the relevant reserved matters approval</p> <p>The developer to ensure the Informal Natural Green Space is free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>The Stewardship Body to appoint an 'Appointed Professional', at the developers cost, to inspect and advise the Stewardship Body as to whether the Informal Natural Green Space and habitat buffers has been satisfactorily completed.</p> <p>The Informal Natural Green Space to be transferred to the Stewardship Body to be managed/maintained in perpetuity, with management arrangements to be agreed with the Council.</p> <p>The developer to repair any defects which occur within 12 months of the Informal Natural Green Space and habitat buffers being transferred to the Stewardship Body</p>	<p>On site:</p> <p>3.14 hectares to be provided on site.                      +                      £325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>The Informal Natural Green Space to be provided before the occupation of 50% of the dwellings.</p> <p>The maintenance contribution to be paid to the Council before the occupation of 50% of the dwellings (or upon completion of the informal natural greenspace, if earlier). The Council to transfer the maintenance contribution to the Stewardship Body.</p>
10	<p><b><u>Outdoor Sports Provision</u></b></p>	Off site:	Before occupation of 75%

	<p>Project detail (<b>off site</b>):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>£500.00 per dwelling for capital costs                  +                  £358.00 per dwelling for maintenance</p> <p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>of the dwellings.</p>
<p>11</p>	<p><b><u>Quality Monitoring</u></b></p> <p>Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following:</p> <p>£90.00 per house                  £45 per flat</p> <p>Indexation: applied from the date of the planning committee meeting.</p>	<p>25% of the total amount due will be payable on commencement of the development, with the remainder being payable before the occupation of 50% of the total number of dwellings.</p>



<p>12</p>	<p><b><u>Self/Custom Build Housing</u></b></p> <p>Amount to be secured in accordance with Policy HOU6:</p> <p>Up to 33 serviced plots for use by custom/self-builders to be made available and marketed.</p> <p>Full details of the serviced custom / self-build plots, a Design Brief and marketing strategy to be submitted to and approved in writing by the Council prior to submission of the first reserved matters application.</p> <p>If, following a marketing period of no less than 12 calendar months, it is demonstrated that there is no interest from a Self-Build / Custom House Builder, the plots can be developed as open market housing.</p>	<p>Up to 33 serviced plots (5% of total dwellings). To be provided across the site.</p>	<p>Each reserved matters application to be accompanied by a Self/Custom Build Housing proposal, to include timings/trigger points</p>
<p>13</p>	<p><b><u>Strategic Parks</u></b></p> <p>Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs</p> <p>£47.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>50% of the total amount due will be payable before the occupation of 50% of the dwellings, with the remainder being payable upon occupation of 75% of the dwellings.</p>
<p>14</p>	<p><b><u>Voluntary Sector</u></b></p> <p>Project detail:</p>	<p>£87.00 per dwelling</p>	<p>Before the occupation of 75% of the dwellings.</p>

	Off site provision within the Great Chart with Singleton Parish.	Indexation: BCIS General Building Cost index 2019	
<b>Kent County Council Planning Obligations</b>			
15	<p><b><u>Adult Social Care</u></b>                      Project detail:                      Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi sensory facilities and changing place facilities in the vicinity of the development.</p>	<p>£146.88 per dwelling                      Indexation: BCIS                      General Building Cost                      Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
16	<p><b><u>Community Learning</u></b>                      Project detail:                      Contributions towards additional equipment and resources for Adult Education Centres locally</p>	<p>£16.42 per dwelling                      Indexation: BCIS                      General Building Cost                      Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
17	<p><b><u>Primary Education Land</u></b>                      Project detail:                      Proportionate contribution towards a new primary school site at Court Lodge or alternative location in the planning group or neighbouring planning group.</p>	<p>£590.95 per flat                      £2363.93 per house                      £0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area.</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>

		Indexation: BCIS General Building Cost Index from Oct 2016	
18	<p><b><u>Libraries</u></b>                  Project detail:</p> <p>Towards additional library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at libraries in the Ashford Urban Area</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS                  General Building Cost                  Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>
19	<p><b><u>Primary Schools</u></b>                  Project detail:</p> <p>Towards new education places at the new 2FE primary school at Court Lodge and/or within the planning group or neighbouring planning group.</p>	<p>Per Flat                  £1134.00</p> <p>Per House                  £4535.00</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

20	<p><b><u>Public Rights of Way (PROW)</u></b>                  Project detail:</p> <p>A financial contribution towards improvements to public footpaths AW239, AW220, AW237 to provide connectivity to the facilities to be provided at the Chilmington Green development.</p>	<p>Amount of financial contributions to be confirmed</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>The triggers for payment of the financial contributions to be confirmed.</p>
21	<p><b><u>Secondary Schools</u></b>                  Project detail:</p> <p>Towards the provision of new secondary places at Chilmington Green and/or within the planning group</p>	<p>Per Flat £1172.00</p> <p>Per House £4687.00</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
22	<p><b><u>Travel Plan Monitoring Fee</u></b>                  Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel</p>	<p>£1000 per annum for from commencement of development until 5 years after completion</p>	<p>First payment before the first occupation of the development and on the anniversary thereof in</p>

	Plan	of the development.  Indexation: Indexation applied from the date of the planning committee meeting.	subsequent years
23	<p><b><u>Youth Services</u></b>                  Project detail:                   Towards additional resources for the Ashford youth service to enable outreach services in the vicinity of the development.</p>	<p>£65.50 per dwelling                   Indexation:                  BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>
<b>Other Obligations</b>			
24	<p><b><u>Health Care (NHS)</u></b>                  Project detail:                   Towards refurbishment, reconfiguration and/or extension of Woodchurch Surgery and/or Headcorn Surgery and/or towards new general practice premises development in the area</p>	<p>£864.00 per dwelling.                   Indexation: Indexation applied from the date of the planning committee meeting.</p>	<p>Half the contribution before the occupation of 25% of the dwellings and balance before the occupation of 50% of the dwellings</p>
25	<p><b><u>Strategic Highways, including any contributions towards the repayment of Regional Infrastructure Funding (RIF) utilised for improvements made to Drovers Roundabout and/or Junction 9 of</u></b></p>	<p>Amounts and</p>	<p>Triggers to be determined</p>

	<p><b><u>the M20 (including the Skyway Bridge adjacent to J9)</u></b></p> <p>Planning Obligations to be determined by the Strategic and Local Highway Authority's upon receipt of sufficient information to determine the impact of the development upon the strategic and local highway network and the identification of any mitigation and/or repayment of forward funding that may be required.</p>	indexation to be determined	
26	<p><b><u>Sustainable Travel</u></b></p> <p>Planning Obligations to be determined by the Local Highway Authority upon receipt of sufficient information to determine the impact of the development upon the local highway network and the identification of any mitigation that may be required.</p>	Amounts and indexation to be determined	Triggers to be determined
27	<p><b><u>Stodmarsh Mitigation</u></b></p> <p>Planning Obligation to be determined, when the competent authority is satisfied that the applicant has demonstrated that there would be no adverse effect on the integrity of the designated sites, to secure the necessary measures to ensure this for the lifetime of the development.</p>	To be determined	Triggers to be determined
28	<p><b><u>Community Stewardship Body</u></b></p> <p>A Community Stewardship model of governance to be established to manage and maintain the Amenity Open Space Land; Children's' and Young People's Play Space; and Informal Natural Green Space. To be taken forward by either:</p>	If Option A is taken forward then a Start-up contribution to be paid to the Council	Prior to submission of the first reserved matters, a decision to be agreed between the Council,

	<p>Option 'A' : the Chilmington CMO, or</p> <p>Option 'B': the formation of a separate independent stewardship organisation that aligns with the long term stewardship arrangements for Chilmington Green and the wider South Ashford Garden Community. The developer to submit a strategy, business plan and governance structure for the stewardship body.</p> <p>In both options there will be an annual charge payable by each household</p>	<p>and transferred to the CMO - amount (with indexation) to be determined.</p> <p>If Option B is taken forward, the developer to fund the start up of the stewardship organisation directly.</p>	<p>developer and CMO as to whether to proceed with Option 'A' or Option 'B'</p> <p>For Option A &amp; Option B The submission by the developer and approval by the Council of the strategy, business plan and governance structure for the stewardship body prior to commencement of development.</p> <p>For Option A The triggers of payment of the Start-up grant to be agreed in the business plan.</p> <p>The Stewardship arrangement to be in place prior to first marketing of the dwellings.</p>
<b>Monitoring</b>			
29	<p><b><u>Monitoring Fee</u></b>                  Contribution towards the Council's costs of monitoring and reporting.</p>	<p>£500 per annum until development is completed</p> <p>Indexation: Indexation</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>

		applied from the date of the planning committee meeting.	
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p><b>PLEASE NOTE:</b></p> <ul style="list-style-type: none"><li>• <b>Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change</b></li></ul>			



## Conclusion

132. In view of the above assessment, the development would be contrary to the NPPF and Development Plan policies. The density and scale of development proposed, along with the extent of the proposed residential parcels within the development, would result in an urbanising form of development that would fail to accord with prevailing local character, would demonstrably harm the landscape and would result in less than substantial harm to the Grade II Listed Possingham Farmhouse.
133. The development would not be adequately served by local facilities and services so it would represent a poor quality of development for future occupiers which would fail to encourage sustainable modes of transport, with the future occupiers of the development being reliant on private cars for day-to-day activities. Furthermore, the development would be likely to result in a severe impact on the capacity of the highway network, with a resulting detrimental impact on highway safety.
134. The submitted Flood Risk Assessment has failed to demonstrate that the development would not increase flood risk in the vicinity of the site, whilst the submitted Ecological Appraisal does not include appropriate surveys and therefore fails to demonstrate that the development would not cause harm to protected species and habitats. In addition, the development would be likely to impact negatively upon the Stodmarsh European protected Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site which means that planning permission cannot lawfully be granted on the basis of the information currently submitted by the applicant.
135. The development would fail to incorporate sufficient sustainable construction measures and infrastructure to help mitigate against the effects of climate change. The applicant has also failed to enter into a legal agreement to secure the delivery of the necessary affordable housing, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting.
136. Whilst I acknowledge that the development of this site could potentially result in the delivery of housing to help meet the Council's five-year housing supply, the development cannot proceed at the present time due to the harm caused to the Stodmarsh protected sites which limits the weight that can be given to the potential delivery of housing and also results in the 'tilted balance' of Paragraph 11 of the NPPF being disengaged. Nonetheless, I consider the harm that I have identified would result from this inappropriate and harmful development proposal would significantly outweigh its benefits.

137. In addition, the infrastructure identified in the Table 1 is not secured and therefore that in itself is a ground for refusal under policies HOU1, HOU6, COM1, COM2 and IMP1 of the Ashford Local Plan 2030.

## **Human Rights Issues**

138. I have taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

139. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## **Recommendation**

### **Refuse**

**on the following grounds:**

**and delegate authority to the Assistant Director – Planning & Development and the Strategic Development and Delivery Manager to add any further required text and/or references to the Chilmington Green AAP in respect of the part of the application that is within its area:**

The application is contrary to policies SP1, SP2, SP6, HOU1, HOU5, HOU6, HOU14, HOU18, TRA4, TRA5, TRA6, TRA7, TRA8, ENV1, ENV3a, ENV6, ENV8, ENV9, ENV12, ENV13, COM1, COM2 and IMP1 of the Ashford Local Plan 2030, the Council’s Climate Change Guidance for Development Management and guidance contained in the NPPF for the following reasons:

1. The development would constitute an overly dense and urban form of development that would visually encroach on the countryside and harm the landscape character of the area. The density of the development would fail to accord with the character of the permitted adjacent Chilmington Green development and would consequently harm the setting of that development. The

density of the development would also result in a failure to provide a good standard of public amenity for future residents of the development.

2. The development would be located in a presently unsustainable location where future residents of the development would not have access to appropriate local services and facilities that are convenient and accessible by sustainable modes of transport.
3. In the absence of a comprehensive and robust assessment of the impact of the development on the strategic and local highway network and highway safety, the applicant has failed to demonstrate that the development would not have a severe impact on the highway network and/or an unacceptable impact on highway safety, and/or a requirement to contribute to the repayment of forward-funding secured and used by the Council to provide highway capacity at Drovers roundabout and/or M20 Junction 9.
4. In the absence of appropriate surveys and a robust assessment of the cumulative impact of development in the vicinity of the site, the applicant has failed to demonstrate that the development would not cause harm to protected species. The applicant has also failed to demonstrate that appropriate mitigation measures can be secured.
5. In the absence of appropriate information about the impact of the development on flood risk and the delivery of a sustainable drainage system as part of the development, the applicant has failed to demonstrate that the development would not result in a risk of flooding or that an appropriate sustainable drainage solution would be proposed.
6. The applicant has failed to demonstrate that public benefits would be delivered by the development that would outweigh the less than substantial harm to the setting of an adjacent listed building (Possingham Farmhouse).
7. The applicant has failed to demonstrate that the development would be resilient to, and help mitigate against, the effects of climate change.
8. The applicant has failed to demonstrate that the development would not add to the deterioration of the water quality at the Stodmarsh European designated site, thereby harming internationally-protected habitats.
9. In the absence of a legal agreement to secure planning obligations, including affordable housing provision, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting, the application fails to secure the

infrastructure and facilities required to meet the needs generated by the development.

## **Note to Applicant**

### **Working with the Applicant**

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 22/00571/AS)

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