

<b>Application Number</b>	20/0604/FH
<b>Location</b>	Land to the South of Ashford Road, Sellindge
<b>Application Description</b>	Outline planning application for the erection of up to 54 dwellings with public open space, landscaping, sustainable drainage system (SUDS), a vehicular access point from Ashford Road. All matters reserved except for access.
<b>Applicant</b>	Gladman Developments Limited and the Rix Family
<b>Agent</b>	Gladman Developments Limited and the Rix Family
<b>Officer Contact:</b>	Sue Head

### **Recommendation**

**That Members agree and adopt the Appropriate Assessment; and that planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing affordable housing, self-build/custom housing and elderly housing, contributions towards health, education, community learning, children's services, library and adult social care, open space and play facilities, provision of the off-site Water Recycling Centre and off-site biodiversity net gain, and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

#### **1. Reason for consideration by the Committee**

- 1.1 The application is reported to Committee due to the objection raised by Sellindge Parish Council.

#### **2. Site and Surroundings**

- 1.1. The application site sits to the south of the A20, opposite the Duke's Head, and is currently undeveloped land. The site is adjacent to the site for the outline planning application 23/1935/FH which is also for consideration on this Schedule. Both sites fall within the broad location for development in Sellindge, identified in Core Strategy Policy CSD9.

- 1.2. The application site extends to 2.95 hectares and comprises agricultural land currently in arable use. The site is irregular in shape and is well contained by physical features and all boundaries.
- 1.3. The site has a significant number of mature trees, which are mostly to the east of the application and 'wrap around' Grove House, which is a substantial property set back from the main highway. Immediately to the west of the application site is Fieldhead, the rear and eastern boundaries of which, and which are treed, form the boundary to the application site.
- 1.4. The land rises gently from the A20 (north to south), with views of the rear of the site limited by the topography (from the A20). There are no public rights of way across the site, although there are limited views from HE301 which is located to the south and east of it.
- 1.5. Sellindge is a Rural Centre as identified within Core Strategy, with the capacity to deliver approximately 350 units as part of its managed growth. The Core Strategy identifies Rural Centres as those *'To develop – consistent with enhancing the natural and historic environment – in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs or Romney Marsh.'*
- 1.6. The site is located in Flood Zone 1. To the north-east of the application site is Guinea Hall, a Grade II listed building and the Grade I Church of St Mary is approximately 350m to the east of the site. Grove House, to the west, is a non-designated heritage asset.
- 1.7. Sellindge does not fall within the AONB (National Landscape) but as the boundary to the National Landscape is to the north, it is within its settling. The site comprises Grade 2 agricultural land. There are two TPOs on the site – TPO 03/1975 and TPO 14/2018.
- 1.8. A site location plan is attached to this report as **Appendix 1**.

### **3. Proposal**

- 3.1 Outline planning permission is sought for the erection of up to 54 dwellings with all matters reserved for future consideration (including access). Detailed matters of layout, scale, appearance and landscaping together with detailed design of the proposed primary access from the A20 are therefore reserved for future consideration.

- 3.2 Notwithstanding the above, this application seeks to secure the principle of the development with indicative drawings provided to demonstrate how the proposed number of dwellings could be accommodated within the site. These drawings indicate a variety of dwelling typologies, including detached, and semi-detached properties, as well as the provision of open space, landscaping, drainage swales and ponds and areas for ecology.
- 3.3 Affordable housing is proposed to be provided at a rate of 22% in compliance with the adopted planning policy, as well as self-builds and housing for the elderly.
- 3.4 Whilst vehicular access is a matter for future consideration, the applicant has demonstrated that two access points are achievable on to the A20, one from this site and another from the adjoining site (23/1935/FH). The access to this site would be at the midpoint of the site where it abuts the A20, and the access to the adjoining site would be from the north-west of the site, closer to the Potten Farm complex.
- 3.5 The image below shows the relationship between this application site and the adjacent site, and how these could be developed in conjunction with one another, or indeed in isolation.
- 3.6 Members should note that the land to the east of the application site (which also forms part of the broad location for growth and is known as Rotherwood Farm) is not coming forward at this point in time. However, policy CSD9 requires the area in this broad location to be masterplanned to demonstrate how the sites will be integrated with Phase 1 and the existing development.



Figure 1 Master Plan

- 3.7 The following reports were submitted by the applicant in support of the proposals:

Design and Access Statement

- 3.8 The submitted DAS demonstrates the key principles underpinning the scheme and in particular sets out how through consideration of existing site features, planting and topography, the development would create a landscape led public realm and ensure a permeable and sustainable development that maximises connectivity. It goes on to state how through introducing attractive features, new planting and by giving consideration to maintaining the character of the wider settlement, the proposals would generate an integrated development that would support local services, contribute to local character and provide new natural space and habitats.

Planning Statement

- 3.9 This statement reviews the context and planning history of the site and considers the development in respect of adopted local and national planning policy and guidance. It provides a high-level overview (based on supporting technical reports) of matters relating to design and visual impact, heritage, residential amenity, parking and highways, ecology, trees, ground conditions, drainage and archaeology, concluding that the proposals would be acceptable.

Arboriculture

- 3.10 The arboriculture report identifies that there are 8 category A trees, 69 category B trees and 20 category C trees within the application site. As the application is in outline form further reports will be required at Reserved Matters Stage to identify which trees (if any) would be removed. An addendum to the initial report was submitted in June 2024.

Archaeology and Heritage

- 3.11 This report identifies which historical features (above ground) are nearby and how the distance of the application site (together with screening/landscaping) from these will ensure that there is no detrimental impact upon them. It also identifies that there have been archaeological finds within the local area and recommends further survey work should permission be granted.

### Transport Assessment

This considers the development proposals in respect of the existing and proposed use of the site, a review of relevant national and local policy, a review of the local transport network context, including access by all transport modes, shows how the proposed parking provision aligns with standards and calculates predicted traffic generation and distribution to and from the site. It concludes that the development is sustainably located and should not lead to any adverse impacts to highway capacity, amenity or road safety.

### Travel Plan

- 3.12 The Travel Plan promotes sustainable travel awareness and encourages sustainable travel choices. It sets out that the Plan will be managed and operated by the Travel Plan Coordinator (TPC) to be appointed by the developer(s), and to be in post 3 months prior to first occupation of the dwellings.

### Landscape and Visual Impact Assessment

- 3.13 This considers the existing baseline conditions with regard to key landscape components, appraises the existing landscape in terms of character and views to establish its ability to accommodate change in relation to the proposed development, describes the anticipated changes and assesses the nature of change upon landscape character and views and determines the nature of effect of identified impacts.
- 3.14 Overall, it is considered that the development is of a type, scale, massing and appearance suitable for its setting, has been located appropriately in terms of nearby sensitive landscape receptors, and would not cause a notable adverse change in the prevailing landscape and visual characteristics of the area, including the Kent Downs AONB.

### Nutrient Impact Assessment

- 3.15 This report sets out the impact of the proposal upon the Stodmarsh Nature Reserve (water quality) and sets out how the applicant will seek to mitigate this impact. In this instance, the applicant is seeking to provide a wastewater treatment works on site.

#### Flood Risk Assessment & Drainage Strategy

- 3.16 This report identifies that the developable area of the site is wholly located within Flood Zone 1 and therefore the proposed development passes the Sequential Test and does not require the Exception Test to be undertaken. It also provides suggested drainage strategy, which includes an attenuation basin within the north of the application site. It concludes that with the proposed strategy surface water runoff will be retained on site and not exacerbate flood risk to the surrounding area.

#### Ecological Impact Assessment

- 3.17 This report summarises the results of survey work undertaken to date and outlines mitigation measures that would be implemented for Habitats of Principal Importance, foraging and commuting bats, badger, hedgehog, nesting birds and reptiles. It also outlines appropriate ecological enhancement measures that would be included within the development proposals.

#### Biodiversity Net Gain Assessment

- 3.18 This report sets out the proposed landscaping provision on site, and how that this will significantly enhance the biodiversity overall. It identifies that the proposed development would result in the loss of some habitat but gain in hedgerow. The report identifies that when this proposal is considered alongside the adjacent site, there is still and overall net gain.

#### Statement of Community Involvement

- 3.19 The Statement of Community Involvement sets out the information that was publicly available prior to the submission of the application and the responses that were received online following on from this consultation.

#### Utilities Statement

- 3.20 This statement sets out how the site is served currently in terms of gas, telecoms, electricity and water and highlights how the site can be adequately served by all of these.

### **4. Relevant Planning History**

- 4.1 There is no planning history relevant to this planning application.

### **5. Consultation**

Ward Member: No comments received.

- 5.1 The consultation responses are summarised below.



### **Consultees**

**Sellindge Parish Council:** Objection – Would like the application to be called into committee. Raise issues with land stability, not part of policy CSD9, access, moving of bus stop, and use of the A20.

**KCC Highways and Transportation:** No objection subject to conditions. These suggested conditions are set out at the end of this report.

**KCC Ecology:** No objection subject to the imposition of suitable conditions to secure appropriate mitigation. Recommend that off-site biodiversity compensation is secured through a planning obligation.

**KCC Public Rights of Way:** No comments to make as there are no PROW affected by this proposal.

**KCC Flood and Water Management:** Principles of dealing with surface water do not lead to an increase in flooding on or off-site. However, compliance conditions recommended.

**KCC Economic Development:** No objection but request financial contributions to be made to mitigate the impact of the development upon local infrastructure.

**KCC Heritage:** No objections to the proposal, however, note that the site lies within an area of multi-period archaeological interest. A detailed condition is therefore recommended to ensure that appropriate investigation and mitigation is provided. This condition is set out at the end of the report.

**Natural England:** No objection subject to appropriate mitigation being secured.

**Environment Agency:** No comments – The applicant may be required to apply for other consents directly to the environment agency.

**Southern Water:** The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. If proposed, the design and construction of new on-site drainage must comply with Southern Water Specification.

**Contamination Consultant:** No objection – Recommend that the standard land contamination condition is applied.

**NHS Kent and Medway:** No objection subject to provision of suitable contributions which will address the additional impact upon the existing local infrastructure.

### **Public/Neighbour Consultation**

5.2 7 neighbours directly consulted. 51 letters of objection to the original submission and 19 letters of objection to the amended plans consultation. I have read all of the letters received. The key issues are summarised below:

#### Original submission:

- Site was not allocated in the 2013 Core Strategy
- No need for additional housing
- Lack of consultation
- Access on to the A20 would be dangerous
- Topography makes the site very visible
- Impact on local services and infrastructure
- Impact on archaeology
- Grove House will be enclosed by development
- Impact on wildlife
- Impact on AONB
- Impact on air quality from the additional traffic
- No sustainable measures are proposed
- Development should be concentrated in Folkestone
- Core Strategy has not been adopted
- Policy requires the sites to be masterplanned
- Sellindge has had enough expansion
- Considerable objections to Otterpool were not taken into account
- Village is losing its identity
- Prolonging existing disruption
- Pedestrian access to Bulls Lane would be dangerous
- Trees have already been cut down
- Increase in surface-water run-off

#### Amended plans consultation

- Grove House will be enclosed by development
- Additional development will destroy the community
- Sellindge has had its share of new development
- One of the accesses on to the A20 could be removed if the sites were developed together
- Impact on local services and infrastructure
- Impact on health and safety of existing residents
- Increase in disruption
- Detrimental impact on the character of the village



- There are more suitable urban locations that should be developed
- The A20 is already heavily trafficked and dangerous
- There should be a significant buffer on the boundary to Fieldhead
- Fieldhead will be overlooked by development at the highest density
- The sites are not masterplanned as required by policy
- Sellindge will be subsumed by additional development and Otterpool
- Lack of buses and sustainable transport
- Loss of farmland
- Otterpool should be accommodating all the District's housing need

5.3 Responses are available in full on the planning file on the Council's website:

<https://folkestonehythedc.my.site.com/pr/s/planning-application/a1n2o000002QHyrAAO/231935fh?tabset-185b1=2>

## **6. Planning Policy**

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:

### Places and Policies Local Plan 2020

HB1	-	Quality Places Through Design
HB2	-	Cohesive Design
HB4	-	Self-Build
C1	-	Creating a Sense of Place
C3	-	Provision of Open Space
T1	-	Street Hierarchy and Site Layout
T2	-	Parking Standards
T5	-	Cycle Parking
NE2	-	Biodiversity
NE3	-	Protecting the District's Landscape and Countryside
NE5	-	Light Pollution and External Illumination
NE7	-	Contaminated Land
CC2	-	Sustainable Design and Construction
CC3	-	Sustainable Drainage Systems (SuDS)
HE2	-	Archaeology
HW3	-	Opportunities to Support Health, Fulfilling Active Lifestyles

Core Strategy Local Plan (2022)

SS1	-	District Spatial Strategy
SS2	-	Housing and the Economy Growth Strategy
SS3	-	Place Shaping & Sustainable Settlements Strategy
SS4	-	Priority Centres of Activity
CSD1	-	Balanced Neighbourhoods
CSD2	-	District Residential Needs
CSD4	-	Green Infrastructure of Natural Networks, Open Space and Recreation
CSD5	-	District Spatial Strategy
CSD9	-	District Spatial Strategy

6.3 Of particular relevance to this application is Policy CSD9 of the Core Strategy. This policy allows for circa 600 new dwellings within the Broad Location of Sellindge – including the 250 that already had planning permission at the point of adoption (planning reference: Y14/0873/SH).

6.4 This policy identifies two other main areas for growth – one to the eastern end of the village, and one (part of which is this application site) to the west. Cumulatively, the Plan requires these sites to deliver approximately 350 units between them. Figure 2, below illustrates the indicative strategy for Sellindge as set out in Policy CSD9 of the Core Strategy.



Figure 2: Policy CSD9: Sellindge Strategy

6.5 Planning permission was granted in 2019 for 162 units within 'Site B' at the eastern end of the village (planning reference: Y16/1122/SH) with the Reserved Matters subsequently approved, and the development is now under construction.

6.6 In terms of the specific criteria within the Policy, this requires for development to:

- Not commence until the extension to the primary school has taken place.
- The total development within phase 2 should be 350 units, with 22% of these to be affordable and 10% of dwellings to meet the needs of the ageing population.
- Development should minimise water usage.
- Proposals must include:
  - Land to upgrade the primary school and/or contributions to fund it.
  - New nursery facilities
  - A replacement village hall
  - A proportionate contribution to upgrade medical facilities
- The design and layout of the development shall be landscape-led and include within its structural landscaping with woodland planting to be provided on the rural edge of the development, particularly around the western boundary of Site A, to retain the rural character, and on the eastern boundary of Site B, to avoid or minimise adverse impacts on the Kent Downs AONB and views into and out of the AONB.
- Approximately 1,000sqm of business floorspace
- Protection of heritage assets (designated and non-designated) including Grove House.
- Consideration of archaeological finds and mitigation.
- Ensure that development is permeable with good walking and cycling links.
- Deliver pedestrian enhancements along the A20 through traffic calming measures.
- Contribute to improvements of the local wastewater treatment works.

6.7 Each of these matters are considered in full within the main body of the report.

6.8 The following are also material considerations to the determination of this application:

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

#### **Kent Design**

## Section 1 – The value of Good Design

## Section 2 – Creating the Design

## Supplementary Guidance – Residential Parking

### **Government Advice**

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

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

Paragraphs 7 to 12 - Presumption of sustainable development  
Paragraphs 20 to 23 - Strategic policies  
Paragraphs 28 to 29 - Non-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 69 to 74 - Identifying land for homes  
Paragraphs 75 to 80 - Maintaining supply and delivery  
Paragraphs 96 to 101 - Promoting healthy and safe communities  
Paragraphs 103 to 107 - Open space and recreation  
Paragraphs 108 to 113 - Promoting sustainable transport  
Paragraphs 123 to 127 - Making effective use of land  
Paragraphs 128 to 130 - Achieving appropriate densities  
Paragraphs 131 to 141 - Achieving well-designed places  
Paragraphs 157 to 175 - Meeting the challenge of climate change, flooding  
Paragraphs 180 to 184 - Conserving and enhancing the natural environment  
Paragraphs 185 to 188 - Habitats and biodiversity  
Paragraphs 189 to 194 - Ground conditions and pollution  
Paragraphs 200 to 213 - Conserving and enhancing the historic environment

Also relevant is the National Planning Policy Guidance (NPPG)

Technical housing standards – Nationally Described Space Standards

## **7. Appraisal**

7.1 In light of the above the main issues for consideration are:

- a) Whether the principle of development is acceptable?
- b) Whether the proposal conforms with Policy CSD9?
- c) Whether the proposals is acceptable in terms of landscape character and design?
- d) Whether the proposals protect and enhance ecology or biodiversity?
- e) Whether the proposal is acceptable in terms of transport, parking and highway safety?
- f) Would the development be acceptable in relation to residential amenity?
- g) Whether the applicant's approach to flood risk and drainage is acceptable?
- h) Is the loss of of agricultural land acceptable?
- i) Whether the proposal is acceptable in terms of impact on trees?
- j) Whether ground contamination proposals are acceptable?
- k) Whether the proposals result in harm to archaeology and heritage?
- l) Whether the proposal is acceptable in terms of housing mix, affordable housing and self-build?
- m) Is the proposal acceptable in terms of its impact on Stodmarsh?
- n) Planning Obligations

### **a) Whether the principle of development is acceptable?**

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Central Government guidance set out within the NPPF, states that Local Planning Authorities (LPAs) should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the contest of the presumption in favour of sustainable development.

7.3 Sellindge is identified as a Rural Centre in the Settlement Hierarchy in Table 4.4 of the CSR 2020. Rural Centres are identified as being developed in a manner that supports their role as integrated tourist and local centres providing shops and services for a significant number of residents, visitors and also for other villages in the North Downs.

7.4 The application site falls within a broad location for growth in Sellindge as set out within Policy CSD9 of the Core Strategy. As set out above in this report, this policy supports new housing development in this location and provides

- guidance as to how development here should be designed, and how it shall address the local landscape. The policy allows for an estimated capacity of 600 units within the Sellindge broad location with 250 of these completed/under construction at the point that the Plan was adopted.
- 7.5 It is clear that the site falls in an area where the Local Plan policies would support new residential development fitting with the strategic growth policies in the CSR 2020.
- 7.6 The estimated capacity of 600 dwellings in the broad location as set out in CSD9 is dependent on the size and layout of units. As set out above, planning permission has been granted for an additional 162 units at the eastern edge of the village, and this proposal, together with application 20/0604/FH would provide for an additional 160 units – totalling 322. Whilst this falls below the approximate figure provided within Policy CDS9, part of the allocation (Rotherwood Farm) is not included within this proposal. That site is approximately 4.6ha and could therefore accommodate a significant number more dwellings once available (at a comparable density to the application site, this would equate to approximately 70 dwellings). The estimated capacity is not an upper/lower limit/threshold for development. Development above or below this figure could still comply with CSD9 subject to meeting the policy criteria, particularly as the site is identified as being within the broad location for future development in Sellindge.
- 7.7 Subject to compliance with other policies in the Local Plan (including the CSD9 requirements assessed below) the residential development of the site would accord with the Local Plan unless material considerations indicate otherwise.
- 7.8 Central Government guidance set out within the NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development through implementation of the Framework as a whole. Paragraph 60 identifies the Government objective is to significantly boost the supply of homes. Applications should be considered under the presumption in favour of sustainable development under paragraph 11 of the NPPF.
- 7.9 Paragraph 109 of the NPPF sets out that significant development should be focused on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport nodes. This is reinforced at para 114 seeking to promote sustainable transport modes appropriate to the site's location. Para 123 sets out that decisions should promote effective use of land in meeting the need for homes while safeguarding the environment and ensuring safe and healthy living conditions. This is reinforced in para 128 in terms of securing efficient use of land through appropriate densities. Para 129 explicitly sets out that decision should avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.



- 7.10 Relevant Local Plan policies identify this location as a sustainable location as a rural centre with the potential to develop to support its role as an integrated local centre providing shops and services for a significant number of not only its own residents but for other villages in the North Downs area.
- 7.11 The amount of development proposed, when considered in the context of the scale of the existing village is not disproportionate. The cumulative impact of the development upon existing service provision (also considering its allocated status) would not compromise the ability of services to meet the day to day needs of the local community (with provisions made through S196 for service provision) and would likely enhance their ongoing viability, as supported by the provisions of the NPPF.
- 7.12 Subject to detailed technical consideration of the wider guidance in the NPPF and NPPG considered in the relevant sections of the report below, the proposal in terms of its location for residential development, is sustainable under the terms of the NPPF.
- 7.13 As such, the principle of development is acceptable under the Local Plan policies and the NPPF

**b) Whether the proposal conforms with Policy CDS9**

- 7.1 Policy CDS9 requires the following aspects to be incorporated into any proposed development of the allocated site:
- Not commence until the extension to the primary school has taken place;
- 7.2 Whilst the expansion of the school has not yet taken place, the land is to be made available to the education provider and suitable contributions will be made as part of any planning permission granted. As such, this is acceptable.
- The total development within phase 2 should be 350 units, with 22% of these to be affordable and 10% of dwellings to meet the needs of the ageing population.

7.3 The applicant has agreed to provide 22% of the development as affordable units and has also agreed to provide 10% of the properties as suitable for the elderly. This will be provided for in the S106 Agreement. In terms of the overall numbers, whilst this proposal would potentially see an uplift on these numbers, this has been evidenced through the design process, and no objection is raised on this basis.

- Development should minimise water usage.
- Proposals must include:
  - (a) Land to upgrade the primary school and/or contributions to fund it.
  - (b) New nursery facilities
  - (c) A replacement village hall
  - (d) A proportionate contribution to upgrade medical facilities

7.4 With regard to water usage, this is proposed to be covered by condition. With regard to (a), this is referred to in para 7.14 above. No new nursery facilities are proposed as part of this application, however, there are two existing nurseries in Sellindge, one of which is located at the primary school. KCC has not requested a financial contribution towards the nursery element. With regard to a replacement village hall (c), the existing hall has been extensively refurbished and modernised in recent years and is a well-used resource. There is no requirement at this stage to provide a new hall. Finally, with regard to (d), an appropriate contribution will be sought through the S106 to upgrade medical facilities

- The design and layout of the development shall be landscape-led and include within it structural landscaping with woodland planting to be provided on the rural edge of the development, particularly around the western boundary of Site A, to retain the rural character, and on the eastern boundary of Site B, to avoid or minimise adverse impacts on the Kent Downs AONB and views into and out of the AONB.

7.5 The proposal is in outline form; however the applicants have demonstrated through the illustrative masterplan, and the LVIA submitted with the application that development within this location can be delivered without any significant impact upon the wider landscape quality, and in terms of the views into and out of the AONB.

- Approximately 1,000sqm of business floorspace

- 7.6 The previous planning applications for the development now built out have included an element of employment floorspace which is considered to be proportionate to the growth within the settlement. It is not considered appropriate to request additional commercial floorspace within this development as there would be no visibility from the A20 and therefore it would unlikely generate any demand for such a use.
- Protection of heritage assets (designated and non-designated) including Grove House
- 7.7 Detailed consideration of impact to this designated heritage asset is carried out in the main body of the report. The conclusions are that there are no harmful impacts to any heritage asset within the locality from the proposed development.
- Consideration of archaeological finds and mitigation.
- 7.8 The proposal is supported by an archaeological desk-based assessment and WSI that secures an appropriate programme of archaeological works as part of the development. KCC Archaeologist has confirmed this is acceptable in terms of the archaeological resource of the site, subject to condition.
- Ensure that development is permeable with good walking and cycling links.
- 7.9 The applicant has sought to connect through to the existing highway and public footpaths by virtue of the illustrated layout of the site. Both pedestrian and cycle links are provided within the application site, which further connect to the A20 and the existing residential development to the east of the site.
- Deliver pedestrian enhancements along the A20 through traffic calming measures.
- 7.10 Traffic calming measures were implemented as a result of the development that has already taken place. Discussions were held with the applicant with regard to the delivery of an enhanced pedestrian and cycle route along the A20. However, it was considered that the impact of delivering such a provision would be harmful to the character of the area, which would not have been outweighed by the benefits.
- 7.11 .
- Contribute to improvements of the local wastewater treatment works.

- 7.12 The matter of the impact upon wastewater treatment works has progressed since the adoption of the Development Plan, and because of the 'Stodmarsh' issue, it is now necessary to provide suitable facilities on site. This matter is fully considered later within the report.

**c) Whether the proposals is acceptable in terms of landscape character and design?**

- 7.14 Policy SS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth, but also identifies this area as being suitable for growth. This policy states: The future spatial priority for new development in the North Downs area is on the creation of a landscape-led sustainable new settlement based on garden town principles outside the Kent Downs Area of Outstanding Natural Beauty (AONB) boundary, designed to avoid or minimise adverse impacts on the AONB, *and the expansion of Sellindge* (my emphasis)
- 7.15 This is endorsed by Policy NE3 of the P&PLP which states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas and states that the Council will not permit development proposals that are inconsistent with this objective unless the need to secure economic and social wellbeing outweigh the need to protect the area's local landscape importance.
- 7.16 The site falls within the setting of the North Downs AONB (National Landscape). During the assessment of sites prior to the adoption of the Core Strategy a phase one report was undertaken which concluded that the Broad Location of Sellindge was relatively free from landscape constraints, with the exception of its proximity to the AONB. A second report then assessed this in more granular detail and assessed four areas of land around Sellindge – with this site falling within 'Area C' of that assessment. This report identifies that 'Area C' is well-concealed in views from the Kent Downs AONB by a combination of undulating surrounding landform, intervening development at Sellindge and woodland or tree belts on its northern, eastern and southern edges. The land within 'Area C' is therefore considered to be less constrained in its potential to give rise to significant landscape or visual effects. The landscape assessment concludes that whilst strategic scale development on these areas of land would be likely to give rise to some adverse landscape and visual effects, these effects are limited because they could be more readily mitigated through the siting, type and design of development to assimilate it into the landscape.
- 7.17 The report concludes by stating that, in terms of Policy CDS9, applications will need to be:

*'landscape-led and include within it structural landscaping with woodland planting to be provided on the rural edge of the development, particularly*

*around the western boundary of Site A, to retain the rural character, and on the eastern boundary of Site B, to avoid or minimise adverse impacts on the Kent Downs AONB and views into and out of the AONB. All landscaping shall be planted at an early stage of the development and provide new habitats for priority nature conservation species. Applications shall be accompanied by a landscape and visual impact assessment that should inform the landscaping scheme and address structural and local landscape matters;'*

- 7.18 The application includes a Landscape and Visual Impact Assessment (LVIA) which sets out that the site lies within a narrow belt of Greensand which is typified by scarp-and-dip slope topography which has a gentler aspect towards the east. It is typified by semi-natural habitats including unimproved acid grasslands found in commons, parklands, heathland and other areas of unimproved pasture.
- 7.19 This site is highly visible from the A20, but it does however have development to its north, west, east and to a lesser extent, the south (the Potten Farm complex is to the south-west of the application site). The context of this site is therefore quite different to that of the adjacent application site, particularly when viewed from the north. The site is currently very open along the A20 corridor, with clear visibility through to its rear.
- 7.20 The site has a number of mature trees in the eastern part of the site and along the road frontage, which positively contribute to the local landscape/townscape, the majority of which are clustered around Grove House. It is proposed that the vast majority of these trees be retained, and the development framework plan identifies that this space would be relatively unaltered as a result of this proposal. Of the four trees to be removed, two are Ash trees, one a Beech tree and one a Cherry Tree. Two of the trees are at the front of the site and are required to be removed to provide the new access. The applicant's Arboricultural Report identifies that they are protected by virtue of a TPO, but the impact of their removal would be moderate and localised. It is proposed that the loss of these trees would be mitigated by the planting of 10 new trees (per tree loss). The location and species of these trees would be determined at the reserved matters stage.
- 7.21 Given that this is the only location where access can be obtained to the satisfaction of the Highways Authority, I accept that the loss of the trees is acceptable, subject to suitable replacement planting being provided at the Reserved Matters Stage. An informative is suggested that identifies that this should be a proviso of any future application. The creation of the access will also necessitate the removal of some of the hedgerow at the front of the site. The Arboricultural Report identifies this as Category C and concludes that the amenity impact of the hedgerow removal would be low. In my view, this loss could be off-set by the planting of additional trees along the entrance road and within the site, to be agreed at reserved matters stage.

- 7.22 In addition to the wider landscape consideration, development under Policy HB1(1) of the PPLP requires development to be of a high quality and make a positive contribution to its surroundings, to enhance integration whilst respecting existing buildings and land uses, particularly in relation to layout, scale, proportions, massing, form, density, materiality and a mix of uses to ensure all proposals create places of character. Achieving good design is about creating places, buildings and spaces that work well for everyone, are attractive, long lasting and will adapt to the needs of future generations. Further criteria are provided in HB2 of the PPLP to ensure new development secures good integration with the existing area and creates a sense of place. Policy CSD9 policy specifies the requirement that proposals for the second phase for the residential-led development in Sellindge should be accompanied by a masterplan for Sites A and B which shows how the sites will be integrated with Phase 1 and the existing settlement.
- 7.23 In terms of the design, the applicant has amended the scheme since the first submission to address Officers' concerns. This has seen improved permeability through the site and has also provided a greater off set from the trees for the attenuation basin. The submitted plan shows the provision of four dwellings fronting onto the A20, with a spine road that turns at 90 degrees on two occasions. This provides the opportunity for a character feature/focal point building to be incorporated within the site, as shown on the Development Framework.
- 7.24 The spine road is shown to be tree lined and links through to the Potten Farm side at its southernmost point. Here, an area of tree planting and open space could be provided creating a visual buffer and an area for ecological enhancements. The discussions with the applicant have ensured that the Development Framework of this site and the adjoining one, provide a concept layout and masterplan that works for both sites either as a whole or as separate developments. Connections to the Rotherwood Farm site are also provided so that it could be incorporated successfully should that site also come forward in the future. A means of ensuring that this can be secured when that site comes forward will be included in the S106 Agreement.
- 7.25 In total there would be 1.63 hectares of publicly accessible open space within the application site, which equates to approximately 50% of the site area. Whilst in outline form, I am satisfied that the Development Framework demonstrates a form of development that would sit comfortably within the application site. I am also satisfied that the proposed development would be appropriate to the context of the site and would reinforce the distinctive character of the AONB.



**d) Whether the proposal protect and enhance ecology and biodiversity?**

- 7.26 Core Strategy Policy CSD4 aims to achieve net gains in biodiversity and positive management of areas of high landscape quality. PPLP policy NE2 aims to safeguard and protect European, National and Local Sites, together with protected species, requiring that all new development will be required to conserve and enhance the natural environment, including all sites of biodiversity or geodiversity and all legally protected or priority habitats and species.
- 7.27 Under Section 40 of the NERC Act (2006), and paragraph 180 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in line with paragraph 186 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.
- 7.28 The applicant has submitted an Ecological Impact Assessment and a biodiversity net gain report. Further information has been submitted as part of the determination process, at the request of Kent County Council Ecology.
- 7.29 The Ecological Impact Assessment identifies that there are three internationally designated wildlife sites are present within 10km of the Site: Wye and Crundale Downs SAC (c. 5.3km north of the Site), Dungeness, Romney Marsh and Rye Bay SPA (c. 6.5km south of the Site) and Folkestone to Etchinghill Escarpment SAC (c. 7.4km east of the Site). Whilst no direct impacts are considered to occur as a result of this development, they were assessed in terms of indirect impacts – including increased visitor pressure and increased traffic and pollution. However given the distance and the relatively small scale of this proposal, the impacts would not be significant.
- 7.30 Likewise, an assessment on the Gibbin's Brook SSSI, which is approximately 3km from the site, was undertaken. Again, due to the distance from the site, the impacts are not considered significant.
- 7.31 In terms of the ecology within the site, bats were recorded within the application site, with hotspots identified within the north-east corner where there are mature treelines and scattered trees that provide suitable habitats for foraging. The level of assemblage is considered to be important at the local level and as such it is important that suitable mitigation be provided. To this end, the applicant has provided a bat lighting study which identifies that the main areas to be lit would be the spine roads, which would be located away from this wooded area. Furthermore, it is proposed that an attenuation basin be provided on site (close to the wooded area) which would provide enhanced opportunities for foraging.
- 7.32 Kent County Council requested that additional survey works be undertaken on the areas of woodland within the site (and specifically the area that would be dissected by the spine road). Three additional surveys were undertaken

- and no roosts were found within the trees. Whilst the interruption of this bat corridor with the creation of a new access might cause an element of harm, it is considered that this can be controlled by the submission of suitable information at the Reserved Matters stage and by the imposition of conditions.
- 7.33 There were no active badger setts identified on site but given the typology of the land, it is likely that badgers will forage on site. It is not considered however that the development of the site will result in habitat that would be to the detriment of the local badger population, with the woodland area to be remain relatively untouched.
- 7.34 There is evidence of Dormice within the area, and the applicant has therefore undertaken Dormice surveys around the site boundary. No dormice were found during these surveys and as such it is not considered that the proposal would have any impact upon their population.
- 7.35 There was no evidence of breeding birds within the application site during the habitat survey although it was acknowledged that the hedgerows and tree planting will offer some nesting and foraging opportunities. As such, four monthly breeding bird surveys were undertaken at the site with a total of 28 species recorded – 13 of which are priority species. To mitigate any impact of development on site, the majority of hedgerows will be retained, and new tree and thicket planting will be provided within the application site. These will be matters for consideration at the Reserved Matters stage but will be required to be controlled by condition as part of any outline planning permission.
- 7.36 No evidence of reptiles was found on site during the habitat surveys, but the grassland areas were identified as being suitable to support their population. Members will note that there were reptiles identified on the adjacent site (Potten Farm) and could therefore move between the sites. The issue of reptile translocation is dealt with as part of that application.
- 7.37 In terms of amphibians, Great Crested Newts have been found on the previously developed site to the east (ref: 14/0873/SH) and there is habitat on site that would be suitable for them. In terms of mitigation, the existing pond on site would be retained, and a new attenuation basin would also be provided, providing additional habitat. No objection is therefore raised on the basis.
- 7.38 With regard to Biodiversity Net Gain (BNG) the applicant has submitted an updated matrix which demonstrates that the site, in isolation, is unable to achieve a net gain for both habitat units (-25.25%) and hedgerow units (+77.40%). To achieve 10% net gain with the current proposals, a minimum additional 12.33 habitat units would be required. The applicant has therefore suggested the provision of off-site habitat, through the purchase of 'credits' or potentially to utilise some of the over-delivery from the neighbouring site. Kent

County Council are content with this approach, subject to its inclusion within the S106 Agreement.

- 7.39 It is considered that on balance, the proposal would not have an unacceptable impact upon biodiversity. Whilst it is unfortunate that the BNG cannot be fully achieved on site, this is in part due to the existing biodiversity located on site. Officers are therefore satisfied that this proposal does comply with policies CSD4 and NE2 of the Development Plan.

**e) Whether the proposal is acceptable in terms of transport, parking and highway safety?**

- 7.40 Whilst this application seeks outline planning permission with all matters reserved for future consideration, there have been a number of discussions between the applicant and Kent County Council Highways and Transportation to ensure that the principle of the proposed points of access are acceptable for this site as well as the adjacent site (23/1925/FH). This application site would be provided with a direct access to the A20, which would be provided with a right-hand turn filter lane from the west.
- 7.41 This access point will also allow for access into the Potten Farm site, which will then provide for two means of access into that larger development (as well as access to the Rotherwood Farm site once that site comes forward).
- 7.42 The County Council has reviewed this access point, and the accompanying safety audit and are content that it would be a safe means of access and egress from the application site – and would be of a size that would allow for future development to come forward.
- 7.43 Policy CSD9 requires that the site provides good-quality pedestrian and cycle links into the village. Initially the applicant was seeking to provide a 3metre footway and cycleway link along the southern side of the A20. However, concern was raised with regards to the impact that this would have upon the character and appearance of this stretch of the highway. At present, there is a grassed area behind the footway that would have been lost, and it was felt that on balance it would be preferable for the applicant to consider whether there are opportunities to utilise internal routes instead.

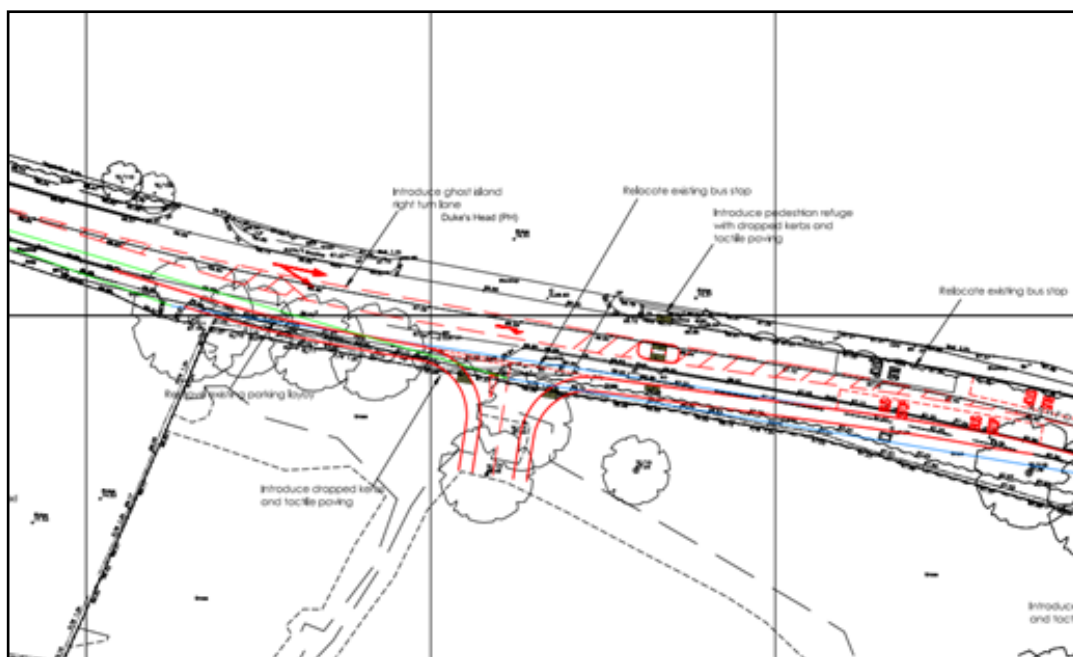


Figure 3 Highways Plan

7.44 In terms of public transport, two bus stops would be relocated to the east of the site, and the County Council has confirmed that they are satisfied with the proposed location on both of these.

7.45 In terms of car parking provision and cycle storage, this would be a matter for consideration at the Reserved Matters stage – with the applicant at that stage required to identify that suitable provision could be made.

**f) Whether the proposals is acceptable in relation to residential amenity?**

7.46 Policy HB1 of the Policies and Places Local Plan 2020 requires development to deliver good amenity for future occupiers and protect the existing amenities of neighbouring dwellings in respect of light, outlook and privacy. Paragraph 135(f) of the NPPF seeks high standards of amenity for existing and future users.

7.47 Whilst there are only a small number of properties that sit within close proximity of the proposed development, the applicants have been requested to consider the impact of development, in particular upon the property immediately to the west of the site, Fieldhead, adjacent to the A20, as this sits at a lower level than the application site, with the land immediately to the rear (south) at a higher level before it falls away again towards the motorway. Housing is illustratively shown to back on to this particular property, and this would alter the outlook this property currently has. The illustrative plan shows the that the rear of these properties would be over 21 metres to the rear of

the existing property, and it would be possible to ensure that suitable landscaping was provided along this boundary to soften the impact, and to limit intervisibility between the existing and proposed properties. There is a substantial tree screen along the eastern and southern boundaries of Fieldhead within its own curtilage, but this could be added to at reserved matters stage. It is also recommended that a condition be added requesting details of land levels which will help to determine what mitigation is required to ensure the impact is acceptable. These are matters that are able to be fully considered at the Reserved Matters stage, however, Officers are satisfied from the submitted Development Framework Plan that a suitable relationship can be achieved.

- 7.48 The properties to the east of Bull Lane would not be adversely affected due to the distance from the new properties within the application site – and the substantial tree planting between.
- 7.49 The new access road into the application site would be set a sufficient distance from the existing residential properties so as not to give rise to any noise and disturbance.
- 7.50 In considering the future occupants of the development, Policies HB1 and HB3 of the PPLP 2020, the Kent Design Guide and Paragraph 135 of the NPPF, require that consideration be given to residential amenity and space standards. It will be for the applicant at reserved matters stage to demonstrate that the proposals comply with the space standards, but I am satisfied that the Development Framework establishes a structure within which this could be achieved.
- 7.51 Overall, it is considered that the proposed development would not result in harm to the residential amenity of neighbouring existing or future occupiers and would comply with Policy HB1 of the PPLP, which requires development to be designed in a way that protects the residential amenity of existing and future occupants.

**g) Whether the applicant's approach to flood risk and drainage is acceptable?**

- 7.52 The application site falls within Flood Zone 1 where there is limited risk of flooding. Policy CC3 PPLP 2020 seeks to secure SUDS and promote water as a resource to be used in the development with CSD 5 of the CSR 2022 also seeking sustainable water resource management.
- 7.53 The applicant has submitted a Flood Risk Assessment as part of the application which demonstrates that suitable surface water drainage can be accommodated within the application site. This includes an attenuation basin which would be located in the northern part of the open space within the application site, which KCC LLFA considers to be acceptable, subject to conditions. I am satisfied that the surface water drainage proposals are

acceptable and matters of foul drainage are dealt with in section 7(m) of the report.

**h) Is the loss of agricultural land acceptable?**

- 7.54 The application site lies within Grade 2 agricultural land which is considered to be the best and most versatile. However, this matter was considered at the allocation stage, with the Council concluding that the harm of the loss of this land was not considered to outweigh the benefits of new housing provision.
- 7.55 Whilst the loss of agricultural land is a disbenefit of the proposal, it is concluded that the benefits of housing provision outweigh this, and for this reason, there is no in-principle ground for objection.

**i) Whether the proposal is acceptable in terms of the impact on trees?**

- 7.56 The application is accompanied by an Arboricultural Assessment which identifies what trees are on site and provides an understanding of their quality. There are currently 8 category A trees, 69 category B trees and 20 category C trees within the application site. The category A trees include Horse Chestnut, Ash, Copper Beech and Sweet Chestnut and these are all covered by Tree Preservation Order 14/2018. Apart from two trees on the northern western boundary, the remaining TPO trees are on the northern and eastern boundaries of the site at the front of Grove House, which some groupings in the central part of the site. Much of the remaining tree cover constitutes category B trees, which are still of good local value.
- 7.57 The application has been assessed in terms of the Development Framework Plan, which identifies that two protected trees will be lost to form the access into the site which would have a moderate and local impact. However, new tree planting would be provided along this road frontage which would mitigate this impact (approximately 10 new trees for each lost). The amendments to the scheme see two trees that were previously to be removed now retained, and the repositioning of the attenuation basin has also seen a reduced impact upon the existing trees in terms of now being outside the tree buffer. The proposed housing would be located in the western part of the site with the land around the trees being open space and a SUDs attenuation basin. As such the character of this part of the site as it addresses the A20 would remain largely unchanged. This would provide an attractive setting for the housing and soften the impact, particularly when viewed from the east.
- 7.58 A length of hedgerow would also be removed across the front of the site to enable the access to be secured and to secure an open frontage to the site. This has been assessed as Category C and the Arboricultural Assessment submitted with the application concludes that the impact would be low and offset by the visual benefit. It is likely that development here would be fronting the road which would provide opportunities for front gardens and hedges. As



such, I am satisfied that the loss of the hedgerow can be mitigated at reserved matters state.

- 7.59 On this basis, it is considered that the proposal would have a minimal impact upon the existing trees within the application site with further surveys required at the Reserved Matters stage, to also incorporate additional planting.

**j) Whether ground contamination proposals are acceptable**

- 7.60 The applicant has submitted a desk-based assessment of contamination which sets out that it is unlikely that there is any significant contamination within the application site. However, as this is desk-based, it states that any future development proposals will need to undertake more intrusive works.
- 7.61 Overall, there are not considered to be any known contamination matters which would restrict residential development of the site, subject to the imposition of appropriate planning conditions.

**k) Whether the proposals result in harm to archaeology and heritage?**

- 7.62 Policy HE2 of the Places and Policies Local Plan relates specifically to archaeology and states that important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted. This policy requires for appropriate information to be submitted with any application, and for suitable mitigation to be provided where required.
- 7.63 The applicant has submitted an Archaeology and Heritage Statement (CSA Environmental) which provides a review of the known and potential heritage resource, including archaeology, built heritage and historic landscape. It assesses the significance of the heritage resource which may be affected, and the potential impact of proposals on that significance. The report identifies that there has been some pre-historic and Roman Period finds within the locality of the site as well as some Iron-Age finds within the wider area.
- 7.64 An assessment has been made with regard to the impact of the proposal upon the non-designated heritage asset, Grove House. This is a two-storey brick built rural dwelling from the mid-19th Century with significant grounds. The current immediate setting of Grove House comprises its associated garden and outbuildings, with the site beyond. The assessment concludes that due to the degree of separation between the property and the level of tree cover there would be no adverse impact upon the property's setting. Likewise, an assessment on the development's impact upon Guinea Hall concludes that whilst only 70metres from the site, the property is bounded by tall boundary treatments and there is no intervisibility between the site and the property. As such, there would be no adverse impacts. These assessments have been

carefully considered and I am satisfied that there would be no harm to these heritage assets.

- 7.65 In terms of potential archaeology, the report submitted with the application identifies that there has been some pre-historic and Roman Period finds within the locality of the site as well as some Iron-Age finds within the wider area.
- 7.66 The County Council has also identified that this site is within an area that has the potential to contain below-ground archaeological remains of various periods but in particular of later prehistoric and Romano-British date and it is possible that, archaeological remains may be of a significance to warrant preservation in situ through design and avoidance as well as through recording before loss.
- 7.67 As this application is in outline form, should any significant finds be made on site (that require to be kept in situ) it would be possible to re-design the scheme at Reserved Matters stage. The condition that has been suggested sets out the level of work required by any future developer, which includes field investigation. It is considered that the applicant has provided sufficient information at this stage to demonstrate that the development can take place, subject to further works required by condition.

**l) Whether the proposal is acceptable in terms of housing mix, affordable housing and self-build?**

- 7.68 Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 7.69 Policy HB4 of the Places and Policies Local Plan (PPLP) requires sites above qualifying thresholds to provide a proportion of homes in the form of self-build or custom house build plots for people wishing to commission or build their own homes in accordance with paragraph 63 of the NPPF.
- 7.70 Policy CSD2 of the Core Strategy requires that development in Sellindge will deliver specialist housing for older people, to meet a specific local need and Policy CSD9 sets out that within Sellindge this should see the provision of 10% of units as suitable for this type of use and that a minimum of 22% affordable housing will be provided within the site.
- 7.71 The application has been submitted in outline form and as such the applicant has not provided any detail of the housing mix within the development. They are however content for all requirements to be met on site and have suggested that these matters be dealt with by planning condition.

- 7.72 Given the policy requirements it is considered appropriate to seek this provision through the Section 106 Agreement.

**m) Is the proposal acceptable in terms of its impact on Stodmarsh?**

- 7.73 The Council, through the Local Plan and Core Strategy is committed to approving development where it meets the three strands of sustainable development as set out in the NPPF, including the need for development to contribute to protecting and enhancing our natural, built and historic environments.
- 7.74 Part of this consideration is whether there would be a detrimental impact on any European Designated Nature Conservation Sites as a result of development whether within the District or not. Stodmarsh lies to the east of Canterbury and forms a Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) with parts also designated a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife that relies upon them. Stodmarsh is fed by the Great Stour and water entering the watercourses in the Stour catchment.
- 7.75 In July 2020 (updated November 2020), Natural England issued an Advice Note highlighting that there were excessive nitrogen and phosphorous levels in the Stodmarsh and the water within the Lakes is in an unfavourable condition, with potential to further deteriorate. In light of relevant case law, and the consequence of this Advice, any development proposing overnight accommodation within the Stour catchment, or discharging wastewater to a wastewater treatment works in the catchment, is required to prevent further deterioration of the Stodmarsh Lakes by evidencing that it can achieve 'nutrient neutrality'.
- 7.76 Under the Conservation of Habitats and Species Regulations (2017 as amended), there are significant responsibilities conferred on the Council as a 'Competent Authority' which require the Council to only approve planning applications if there is no likelihood of a significant effect on any European designated nature conservation site. In order to assess whether this development would lead to a 'likely significant effect' a Nutrient Impact Assessment (NIA) has been submitted. Furthermore, in line with established case law and the 'precautionary principle', Natural England advise that applications for certain types of development proposing overnight accommodation (including housing) within the Stour River catchment, and/or which would discharge to particular Wastewater Treatment Works within the catchment, should be the subject of an Appropriate Assessment (AA) under the Habitat Regulations.
- 7.77 The AA is required to determine the effect on the integrity of Stodmarsh Lakes. In order for an AA to conclude that there is no significant effect, the

- decision maker must be satisfied that the development can achieve nutrient neutrality.
- 7.78 Here, mitigation has been proposed in the form of an onsite wastewater treatment works/water recycling centre (WRC) on the adjoining site (23/1973/FH), which would be run by Severn Trent (who are an Ofwat licenced water company). This WRC would operate with a site-specific permit (issued by the Environment Agency) and would utilise an advanced form of activated sludge treatment which does not require chemical dosing. The WRC would be sited in the south-western corner of the application site away from existing and proposed residential dwellings. Severn Trent Connect have advised that the treatment system would be designed to have both planned and reactive operations and maintenance arrangements in place to ensure the upkeep of assets and effective wastewater treatment. In addition, the facility would be linked to remote telemetry and sensors to monitor site condition and treatment processes effectiveness. An environmental permit from the Environment Agency will ultimately be required in order to operate the WRC.
- 7.79 The proposal has been independently reviewed by the Council's consultant, and there are no fundamental issues with the assessment provided by the applicant. This has assessed the proposed 'loads' into the River Stour and the assumptions that underpin these. In addition, Natural England has assessed the proposal and raises no objections to the use of a WRC on site subject to appropriate planning conditions to secure the mitigation.
- 7.80 In respect of nutrient neutrality, the use of a WRC on site will be required if new housing is to be developed in this part of the District in accordance with the adopted Core Strategy and the spatial strategy to accommodate housing in sustainable locations. It is a pragmatic solution, although one that comes with extra infrastructure costs to the scheme. However, the applicant has advised that this will not impact upon viability. Furthermore, the WRC has been designed to accommodate future development at Rotherwood Farm, thus ensuring that the entirety of the Broad Allocation in this part of Sellindge will achieve 'nutrient neutrality'.
- 7.81 Beyond planning legislation, the WRC will need to be permitted by the relevant authorities. As the Council has no certainty as to whether this will be forthcoming it will be a requirement to the granting of any outline permission that an alternative provision will need in the event of a licence not being granted.
- 7.82 Given that the WRC is proposed to be located on the adjacent application site (23/1935/FH) but has been designed to mitigate this development as well, it will be necessary for the S106 to include a cross reference to the WRC in that permission, so that this development cannot be occupied unless and until the agreed mitigation measures are in place. It would not therefore be possible

for the development on this site to go ahead without the WRC having been established and operational on the adjoining site.

#### **n) Planning Obligations**

7.83 Regulation 122 of the Community Infrastructure Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

7.84 I recommend that the planning obligations in Table 1 below be required should the Committee resolve to grant planning permission. In summary these are:

- Education contributions for primary, secondary, SEND and primary school land
- 22% affordable housing
- 5% self-build/custom build
- 10% elderly housing
- Community learning and skills
- Integrated children's services
- Library
- Adult social care
- Provision and maintenance of open space and play
- Waste water and water recycling centre
- NHS contribution
- Off-site biodiversity net gain
- Access to Rotherwood Farm

#### **Environmental Impact Assessment**

7.85 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

#### **Local Finance Considerations**

7.86 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, or will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments) or sums that are relevant

authority has received, or will, or could receive in payment of the Community Infrastructure Levy.

- 7.87 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The strategic allocations at Sellindge are exempt from paying CIL as they contribute towards infrastructure solely through S106 agreements.

## **Human Rights**

- 7.88 In reaching a decision on the planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant Article 8 and article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the council needs to balance the rights of the individual against the interests of society must be satisfied that any interference with an individual's right is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant convention rights.

## **Public Sector Equality Duty**

- 7.89 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.
- 7.90 It is considered that the application proposals would not conflict with objectives of the Duty.

## **Working with the applicant**

- 7.91 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.



## **8. CONCLUSION**

- 8.1 This site is allocated as part of the Broad Location which allows for the significant expansion of Sellindge. This application seeks outline planning permission for 54 dwellings on the site. Whilst this would likely see the number of dwellings built within the broad location exceeded (as the Rotherwood Farm site is not yet part of this proposal) the uplift in housing numbers is supported by national policy whereby LPAs are required to give great weight to the benefits of using suitable sites within existing settlements for homes.
- 8.2 Whilst the Council can currently demonstrate a 5-year supply of housing by virtue of having an up-to-date local plan, the recent NPPF consultation is likely to change this and without a demonstrable 5-year supply, the District is vulnerable to speculative proposals. This means that if it does not permit acceptable housing schemes within and around the most sustainable settlements, then it would be under pressure to accept development on less sustainable sites, instead of on those where the principle of residential development has already been found acceptable. This application would make a valuable contribution towards the Council's housing supply, including the provision of much-needed additional affordable housing.
- 8.3 The application site is in a sustainable location and is not isolated in terms of its location, benefitting from good access to a range of facilities in a well-served village. The amount of development is not considered to be disproportionate to the scale of the existing village and would likely enhance the ongoing viability of the existing rural community, promote wellbeing and social cohesion and result in economic benefits during the construction and post-development phases.
- 8.4 It is considered that the proposal, whilst in outline form does demonstrate that a high standard of design quality can be achieved, that will respond positively to the character and appearance of the locality. The development would provide a good level of amenity for existing and future residents, and subject to control through planning conditions, would not harm matters of ecological interest, highway safety, heritage assets or result in unacceptable flood risk, with foul and surface water drainage able to be adequately dealt with so that the site can be developed in an acceptable way.
- 8.5 Overall, it is considered that the proposed residential development of the site as proposed would be acceptable and that any residual impact can be mitigated through the imposition of suitable planning conditions. In balancing the environmental, social and economic impacts arising from the proposal, Officer's conclude that it would present a sustainable form of development, which is at the heart of the NPPF and should be seen as the golden thread running through decision taking. It is therefore recommended that planning

permission be granted subject to conditions and completion of a s106 legal agreement.

## **9. BACKGROUND DOCUMENTS**

- 9.1 The consultation responses set out at Section 5. are background documents for the purposes of the Local Government Act 1972 (as amended).

## **10. RECOMMENDATIONS**

**That Members agree and adopt the Appropriate Assessment; and that planning permission be granted subject to the conditions set out below and the applicant entering into a S106 legal agreement securing the details set out in Table 1; and that that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.**

### Conditions:

#### **Standard**

1. Approval of the details of layout, scale, landscaping, access and appearance (herein called the 'Reserved Matters' shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application(s) for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of two years from the date of the approval of the last Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

Reason: to ensure the development is carried out in accordance with the approval and to ensure the quality of the development indicated on the approved plans is achieved in practice.

4. The development shall be carried out in accordance with the following plans and documents:

- ECIA Addendum and Outline Bat Survey (July 2024)
- Nutrient Neutrality Assessment (April and July 2024)
- BNG Metric (June 2024)
- Development Framework Plan (June 2024)
- Ecological Appraisal Addendum (June 2024)
- Flood Risk Assessment (June 2024)
- Illustrative Masterplan (June 2024)
- Ecological Impact Assessment (April 2024)
- Plan 1687/SP/02 Rev G
- Plan 1686/04 Rev I
- Plan 1687/07 Rev F
- Affordable Housing Statement (January 2024)
- Design and Access Statement (January 2024)
- Heritage Assessment (January 2024)
- Land Contamination Assessment (January 2024)
- Landscape and Visual Impact Assessment (January 2024)
- Location Plan (January 2024)
- Transport Assessment (January 2024)
- Travel Plan (January 2024)
- Arboricultural Assessment (September 2020)
- Air Quality Assessment (May 2020)
- Noise Assessment (May 2020)

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

### **Materials**

5. No work on the construction the building(s) hereby permitted shall take place until samples of the materials and details of the windows and doors to be used in the construction of the external surfaces of buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a schedule and plan indicating the materials to be used for each plot and within each phase or sub phase. The development should be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

6. Prior to the first occupation of any unit hereby approved, details of both hard and soft landscape works including an implementation programme and maintenance schedule shall be submitted to and approved by the local planning authority. No building shall be occupied until an approved landscaping scheme has been carried out in accordance with the approved details unless an alternative timescale has been agreed with the local planning authority. The soft landscape works shall be maintained in accordance with the agreed maintenance schedule.

Reason: In order to protect and enhance the appearance of the area.

### **Highways**

7. No development shall take place, including any works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction. The statement shall provide for:
  - (a) Routing of construction and delivery vehicles to / from site
  - (b) The parking vehicles of site operatives and visitors
  - (c) loading and unloading of plant and materials
  - (d) storage of plant and materials used in constructing the development
  - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - (f) Wheel washing facilities
  - (g) measures to control the emission of dust and dirt during construction
  - (h) a scheme for recycling or disposal of waste resulting from demolition and construction works
  - (i) timing of deliveries
  - (j) temporary traffic management and signage

Reason: In the interests of the amenities of the area and highway safety and convenience.

8. The reserved matters applications to be submitted pursuant to condition 1 shall include details of vehicle and cycle parking, including visitor parking and turning facilities. The provision of vehicular and cycling parking and turning facilities as approved for each reserved matter and in any phase or sub phase of the development hereby approved, shall be implemented in full prior to the first occupation of the units they serve. These facilities shall be kept available for parking and turning purposes in connection with the units they serve at all times thereafter.

Reason: In the interests of highway safety and convenience.

9. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

10. The development shall not be occupied until the provision and permanent retention of secure, covered cycle parking facilities for each dwelling have been provided. The cycle parking spaces provided shall accord with details to be submitted to and approved by the Local Planning Authority and maintained thereafter.

Reason: To secure a sustainable form of development and to reduce reliance upon the private motor vehicle.

11. Prior to the occupation of any dwelling, the following works must be completed in accordance with the approved plans (relevant to that specific property):

- (a) Footways and/or footpaths, with the exception of the wearing course.
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

12. Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in locations that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

13. The development hereby permitted shall not be occupied unless and until a comprehensive Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the highway authority for the M20). The Travel Plan shall be prepared in line with prevailing policy and best practise and shall include as a minimum:

- The identification of targets for trip reduction and modal shift
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements

- the timetable and phasing of the implementation of the travel plan measures shall be alongside occupation of the development and its operation thereafter
- the mechanisms for monitoring and review
- the mechanisms for reporting the remedial measures to be applied in the event that targets are not met
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews

The development should only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed by in writing by the Local Planning Authority in conjunction with the Highways Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and paragraph 40 DfT circular 10/2022.

14. Prior to the commencement of development full details of new drainage and its location shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M20 motorway). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted onto the Strategic Road network or into any drainage system connected to the Strategic Road network. No drainage connections from any part of the development hereby permitted may be made to any Strategic Road network drainage systems.

Reason: In the interest of the safe and efficient operation of the Strategic Road network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT circular 10/2022.

### **Housing**

15. The reserved matters applications to be submitted pursuant to condition one above shall include details of the location of the affordable units, the unit type mix and self-build and custom-build plots. Design parameters for the self-build/custom housebuilding plots should also be submitted as part of the design and access statement.

Reason: To ensure the affordable housing provision provided onsite is in accordance with the Core Strategy and aims of the NPPF, and to ensure compliance with policy HB4.

### **Archaeology**



16. Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

Within 6 months of the completion of archaeological works a Post Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development.
- an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same.
- a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with relevant local policy and the National Planning Policy Framework.

### **Construction**

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of

water pollution from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework.

18. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line the National Planning Policy Framework.

19. No development beyond the construction of foundations shall take place until details demonstrating the development as a whole will reduce carbon emissions by a minimum of 10 percent above the Target Emission Rate, as defined in the Building Regulation for England approved document L1A: Conservation of Fuel and Power in Dwellings, (or any document which supersedes or updates that document) have been submitted to and approved in writing by the Local Planning Authority. Upon approval the measures shall be implemented as agreed and thereafter retained and maintained in perpetuity.

Reason: To support the transition to a low carbon future through the use of on-site renewable and low-carbon energy technologies.

20. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1900 hours  
Saturdays 0800 – 1300 hours

Unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

21. No work above slab level on the construction of the buildings hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic that meets the Department for Culture, Media and Sport requirement that 'fibre to the premise' broadband connections are available to all premises of gigabit capacity will be provided to all dwellings. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow 'fibre to the premise' broadband connections are available to all premises of gigabit capacity has been laid out in the site.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants in accordance with policy E8 of the Places and Policies Local Plan.

### **Water Consumption**

22. Construction above slab level shall not commence within any phase or subphase of the development hereby permitted until written documentary evidence has been submitted to, and approved in writing by, the local planning authority proving that all the dwellings in the phase will achieve a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a design stage water efficiency calculator. No phase of the development hereby permitted shall be occupied until written documentary evidence has been submitted to, and approved by, the local planning authority, proving that all in the dwellings in that phase have achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended). Such evidence shall be in the form of a post-construction stage water efficiency calculator.

Water efficiency calculations should be carried out using 'the water efficiency calculator for new dwellings' <https://www.gov.uk/government/publications/thewater-efficiencycalculator-for-new-dwellings>

Reason: In accordance with the requirements of policies CSD5 and SS3 of the Core Strategy Local Plan 2013 which identify the district as a water scarcity area and require all new dwellings to incorporate water efficiency measures.

### **Flood Mitigation**

23. Prior to first occupation of any dwelling in each phase an operation and maintenance manual for the sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. The manual, at a minimum, shall include the following details:
- i) description of the drainage system and its key components.
  - ii) A general arrangement plan with the location of drainage measures and critical features clearly marked.
  - iii) An approximate timetable for the implementation of the drainage system.
  - iv) Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities.
  - v) Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory

undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The system shall be provided in accordance with the agreed timetable and shall thereafter be operated and maintained in accordance with the approved operation and maintenance manual.

Reason: To ensure that all measures to mitigate flood risk and protect water quality on/off site are fully implemented.

24. No development shall take place on site until the wastewater treatment works, as approved as part of planning application FH/23/2935 has been completed and is operational.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul water and does not impact on the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh Lakes.

25. No development shall take place until the details required by Condition 1 shall demonstrate that requirements for 2 surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

26. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the drainage strategy and accompanying information in the letter dated 22nd April from RSK LDE ref: 680129-L2(0) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate no greater than 2l/s without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- i. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- ii. appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

27. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

### **Ecology**

28. No development shall take place (including any ground works, site or vegetation clearance) until a construction ecological management plan (CEMP (biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following and be based on Section 5 CSA Environmental (April 2024) Ecological Impact Assessment (Ref: CSA/4509/06):
- a) Results of an updated (pre-commencement) badger walkover survey, carried out by a suitably qualified ecologist, along with any necessary identified mitigation measures and/or Natural England licensing requirements;
  - b) Updated ground level tree assessment (GLTA) and potential roost feature inspection surveys or emergence/re-entry surveys if appropriate (and as assessed by a suitably qualified ecologist) for any trees requiring removal or that could be affected by lighting installation on-site;

- c) Updated surveys for any other protected species if assessed as appropriate by a suitably qualified ecologist;
- d) Purpose and objectives for the proposed works:
- e) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- f) Detailed design(s) and/or detailed working method(s) necessary to achieve stated objectives;
- g) Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scaled maps and plans for all relevant species and habitats;
- h) Reference to any relevant protected species licences (e.g., for great crested newts) obtained in advance of site clearance/construction and any relevant mitigation measures required;
- i) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees, including the ancient tree, T55);
- j) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- k) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- l) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- m) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details for the duration of construction.

Reason: To ensure that biodiversity is protected on site.

29. Prior to first occupation, a lighting design strategy for bats shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- Identify areas and/or features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting routes. This will be informed by updated ground level tree assessment surveys and potential roost feature inspection surveys or emergence/re-entry surveys if appropriate, and as assessed by a suitably qualified ecologist.



- Areas and/or features on-site where disturbance could occur to bats (including hedgerows, tree lines and mature trees) shall be identified on detailed, scaled plans; and
- Show how and where external lighting shall be installed (through the provision of detailed, scaled, lighting contour plans and detailed technical specifications) so that it can be clearly demonstrated that areas to be lit shall not disturb bat activity.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To ensure that biodiversity is protected on site.

30. Prior to works commencing (including site clearance), evidence that the full Great Crested Newt District Level Licence conservation payment has been made to Natural England and the licence issued, will be submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of biodiversity.

31. No development shall commence (including site/vegetation clearance) before an Ecological Design Strategy (EDS) has been submitted to, and approved in writing by, the local planning authority. The EDS shall include the following, and be based on Section 5 CSA Environmental (April 2024) Ecological Impact Assessment (Ref: CSA/4509/06):

- Updated surveys for protected species if assessed as appropriate by a suitably qualified ecologist, along with any necessary identified mitigation and/or compensation measures and/or Natural England licensing requirements;
- Purpose and conservation objectives for the proposed works;
- Review of site potential and constraints;
- Detailed design(s) and/or working method(s) to achieve stated objectives. This shall include detailed soft landscaping plans and planting schedules. The locations of habitat features such as bird and bat boxes shall be shown on scaled landscaping plans suitable for construction and detail the height and aspect the habitat features are to be installed;
- Measures to continue to allow the movement of hedgehogs across the site;
- Details of the fencing and any signage to be installed to protect the ancient tree during the operation of the site;
- A copy of the leaflet to be provided to new homeowners regarding cats;
- Extent and location/area of proposed works on appropriately scaled maps and plans;
- Type and source of materials to be used where appropriate, e.g., native species of local provenance, make and model of woodcrete bird and bat boxes;

- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons/organisation(s) responsible for implementing the works and on-going maintenance;
- Details of initial aftercare and management prescriptions for long-term maintenance, and;
- Details for on-going monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter

Reason: In the interests of biodiversity.

### **Other**

29. Prior to the commencement of development within each phase (excluding archaeology and enabling works), a services plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The services plan shall include the provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

Reason: In the interests of visual amenity.

30. The reserved matters referred to in condition 1 shall include details of existing and proposed ground levels and finished slab and floor levels together with roof ridge lines and eaves levels in relation to the neighbouring buildings bordering that application site. The development shall be carried out in accordance with the approved details and thereafter maintained.

Reason: In the interests of the amenities of neighbouring properties.

### **Informatives:**

1. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.

2. Whilst details for the access are reserved for future consideration, any future access design shall have regard to the submitted plans (1755/08 Revision F) unless otherwise agreed with writing with the Local Planning Authority and Local Highway Authority that another scheme can be implemented to provide access to the site.
3. Furthermore, any Reserved Matters application relating to the access shall demonstrate that the provision and maintenance of the visibility splays shown on the submitted drawing 1755/08 Revision F) with no obstructions over 0.6 metres above carriageway level within the splays can be achieved and maintained.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended section one it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st of March and 31st of August unless a recent survey has been undertaken by a competent ecologist and is showing that nesting birds are not present.
5. Any changes to or affecting the public highway in Kent requires the formal agreement of the highway authority (Kent County Council) and it should not be assumed this will be given because a planning permission has been granted. For this reason, anyone considering works which may affect the public highway including any highway and street furniture is advised to engage with KCC Highways and Transportation at an early stage in the design process.
6. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but actually form part of the public highway. Some of this highway land is owned by Kent County Council while some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
7. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway, or land above the highway and to balconies, signs, and other structures which project over the highway. Such works also require the approval of the Highway Authority.
8. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

9. This decision is also conditional upon the terms of the Planning Agreement which has been entered into by the developer and the Local Planning Authority under Section 106 of the Town and Country Planning Act 1990. The Agreement runs with the land and not with any particular person having an interest therein.
10. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. It is understood from the application form that foul drainage will be discharge to the mains sewer. We have no objections to this but would want to be re-consulted should these plans change.
11. By virtue of the loss of four trees along the site frontage, is it recommended that the applicant (or successors in title) provide at least ten trees per removed tree as mitigation as recommended within the accompanying arboricultural report.
12. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73"
13. Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. To make an application visit: [developerservices.southernwater.co.uk](https://developerservices.southernwater.co.uk) and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: [southernwater.co.uk/developing-building/connection-chargingarrangements](https://southernwater.co.uk/developing-building/connection-chargingarrangements)
14. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
15. The reserved matters shall include details of measures to be incorporated into the development to minimise the risk of crime, according to

the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD).

TABLE 1:

Obligation Number				
	Detail	Amount	Trigger Point	Regulation 122 Assessment
1	Affordable Housing	22% of Overall Dwellings	Affordable units to be constructed and transferred to a registered provider before completion of 85% of the general market housing units	<p>Necessary as would provide housing for those who are not able to rent or buy on the open market pursuant to CSD1 of the Core Strategy Review (2022) and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p>

				Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.
2	Secondary Education	£5,328.27 per dwelling and £1,332.32 per flat		<p>Necessary as there is a significant deficit of secondary education places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because</p>



				<p>the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p> <p>Directly related as children of occupiers will attend secondary schools and the facilities to be funded would be available to them.</p>
3	Primary Education	£5,412.74 per dwelling and £1,353.18 per flat		<p>Necessary as there is a requirement within Policy CDS9 for an expansion of Sellindge Primary School as a result of the strategic growth within the settlement.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of</p>

				<p>pupils and is based on the number of dwellings.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p>
4	Primary Education Land	TBC		<p>Necessary as there is a requirement within Policy CDS9 for an expansion of Sellindge Primary School as a result of the strategic growth within the settlement.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p> <p>Directly related as the children</p>

				of occupiers will attend primary school and the additional land and facilities will be available to them.
5	SEND	£559.83 per dwellings and £139.96 per flat		<p>Necessary as there is a deficit of SEND places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of</p>

				<p>pupils and is based on the number of dwellings.</p> <p>Directly related as children of occupiers will attend secondary and SEND schools and the facilities to be funded would be available to them.</p>
6	Self Build/Custom Build	5% of dwellings to be made available for self-build		<p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided and the area of the borough.</p> <p>Necessary as would provide housing for those who are on the Councils self-build and custom housebuilding register pursuant to HB4 of the PPLP and guidance in the NPPF.</p>

				Directly related as the plots would be provided on-site in conjunction with open market housing.
7	Homes for Older People	10% of dwellings to be constructed to M4(3) Category 3: Wheelchair User Dwellings standards as set out in Building Regulations		Necessary as would provide housing for those in specific need for suitable provision for the elderly pursuant to CSD9 of the Core Strategy Review.
8	NHS Contribution	£47,520		Necessary as it would provide for refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or

				<p>healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p> <p>Directly related as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p>
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9	Access to Rotherwood Farm to be provided without financial penalty.			Policy requirement for the whole site to be masterplanned, but due to landownership constraints this is not possible. However, the failure to provide access to the remaining parcel, unconstrained would have the potential to prevent the site being delivered comprehensively and therefore would not meet the requirements of policy CDS9.
10	Off Site BNG	TBC		Because the relevant level of net gain cannot be achieved on site, it will be necessary for a financial contribution for off site works to be provided.

11	Provision of Wastewater Treatment Works/ Water Recycling Centre on Land at Potten Farm (23/1925/FH)		Prior to occupation of any unit.	<p>Necessary to mitigate the impact on a Stodmarsh Lakes which is a European Designated Nature Conservation Site.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and its impact on a European Designated Nature Conservation Site.</p> <p>Directly related as wastewater from the development would otherwise impact on the quality of the European Designated Nature Conservation Site</p>
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12	<p>Open space and play space:</p> <p>Delivery of on-site open space and equipped play space in line with Policies C3 and C4 of PPLP 2020 and provision of future management/maintenance arrangements including maintenance bond</p>		<p>Prior to the first occupation of any open market dwellings</p>	<p>Necessary as open space and play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C3 and C4 of the PPLP, the adopted Play Area Strategy and guidance in the NPPF.</p> <p>Directly related as occupiers will use the play space and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided</p>
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				and maintained.
12	KCC requirements for <ul style="list-style-type: none"> <li>• Community learning and skills</li> <li>• Integrated children's services</li> <li>• Library</li> <li>• Adult social care</li> </ul>	Tbc	Tbc	Necessary to provide the services to meet the needs of the community  Fairly and reasonably related in scale and kind considering the extent of the development  Directly related as the services will be used by occupiers of the houses

