

Officer Report

Application No.	23/1610/FH
Site Address	Land Adjoining The Dragonfly (former Piggery) Main Road, Sellindge
Officer Name	Robert Allan
Proposal	32 dwellings and doctors surgery

Recommendation

Report Number	RD-433871
Recommended Decision	Recommended to be Refused
Recommendation Date	27 February 2024

Report

Site Description

Sellindge is a village to the west of the district, identified as a Rural Centre in the Core Strategy Review, the site is situated on its western edge. The site, which is a rural field bounded by hedgerow, lies adjacent to the settlement boundary and next to The Piggeries, a brownfield site allocated for 5 residential dwellings in the PPLP (Policy ND5).

The west of the village has a rural feel and development here is more sporadic. The nearby properties to the west and south are predominantly one or two storey detached dwellings in sizable plots, all fronting onto the A20. To the north and east of the site is open farmland with views to the Kent Downs AONB. Beyond this, to the north, is a nearby Ancient Woodland. The site is detached from the main village, separated by open countryside, farmland, Guinea Hall (a grade II listed building) and Elm Tree Farm (Grade II listed buildings). The site lies within the Stour Operational Catchment. It is also in an area of Archaeological Notification for planning applications involving 1-9 new dwellings or equivalent, or major applications.

PROW HE305 and HE306 pass through the site.

Relevant planning history

22/1290/FH - Development for the erection of 26 houses, 20 retirement flats and a medical centre. Refused.

The refusal had ten grounds associated with it, which are set out below in abbreviated form (without policies):

1. The application site is set outside of the defined settlement boundary and away from established and planned strategic residential development, amenities and services, with no justification of need

for the proposed residential and healthcare uses in this location, and would represent a significant, unsustainable development, away from the emerging village core.

2. The proposed layout, scale and poor building design would fail to respond to the character of the existing development or rural location, failing to create a sense of place and as such it would appear incongruous, visually dominant and out of character with the locality. In addition, the failure to provide a street hierarchy that places pedestrians above vehicles, promote active travel, or successfully incorporate the existing PROW network into the layout, would be contrary to policy.

3. By virtue of the removal of existing landscaping, an unsympathetic urban layout, poor building design, and a failure to provide adequate replacement landscaping, the development would represent unplanned and unsympathetic urban sprawl detrimental to the rural character and appearance of the area.

4. The proposals provide inadequate vehicle parking facilities to serve the proposed development, which is likely to lead to vehicles being parked on the highway. In addition, the proposed junction onto the A20 does not meet appropriate design standards, both of which are to the detriment of highway safety.

5. In the absence of a site specific ecological impact assessment, the proposal fails to address any potential ecological impacts arising from the proposed development, necessary mitigation measures or measures to enhance within the proposed development resulting in potential harm to biodiversity. As such, the proposed development would potentially have an adverse effect on protected species and habitats.

6. As the application site is within the Stour Operational Catchment, in the absence of information that would allow the competent authority to conduct a Habitats Regulations Assessment (HRA) it cannot be determined that the proposal would not have a likely significant effect relating to the proposals impact on the on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar).

7. The proposal fails to acknowledge or address the identified local need for plots for self-build and custom housebuilding development and as such fails to address this identified housing need.

8. The proposal fails to demonstrate that the proposed surface water drainage scheme is adequate in respect of ensuring that there would be no increase to flood risk on or off-site.

9. The proposed development would result in the loss of a significant area of Grade 2 agricultural land, with no compelling or overriding planning reason to justify this loss. Neither is any mitigation for this loss proposed through the provision of productive landscapes on-site or in the locality.

10. The application fails to make provision for affordable housing, nor does it demonstrate that such provision would make the development otherwise unviable.

Proposal

Much of the information submitted with the application is out of date and has been repurposed from the previously refused scheme and/or is incorrect in the scope of the development it proposes. However, the application form sets out that the proposal is to create a development of 32 residential units and a doctors' surgery and this is what has been considered.

The residential element will comprise:

6 x 2 bed properties (plots 27, 28, 29, 30, 31 & 32)

12 x 3 bed properties (plots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 & 24)

5 x 4 bed properties (plots 10, 11, 12, 25 & 26)

5 x 2 bed bungalows (plots 5, 6, 7, 8 & 9)

4 x 1 bed bungalows (plots 1, 2, 3 & 4)

It is stated that the four two-bed bungalows would be sheltered housing.

The submitted proposed site plan shows planting to the boundary edges, with the introduction of a reed pond in the north east corner of the site. The entrance has trees to the road frontage and along the western side, with planting across the development. A wider area of land is indicated as being given over to meadow grass, with a landscape conservation corridor.

Fencing between properties would comprise of 1.8 m high close boarded fencing and 1.2 m high post and rail fencing to north east and west boundaries of the site. Roads would comprise of tarmac and permeable block paving with all drives and patios comprising of paving laid to fall to verges.

There would be an on-site play area, car parking, landscaping and associated infrastructure. A footpath would be provided along the eastern edge of the site, in order to replace the existing PROW. EV charging points would be provided through out the development as required.

It is proposed to create a roundabout at the entrance to manage the additional traffic.

Consultation responses

Sellindge Parish Council – No comments received

National Highways – No objection

KCC Highways & Transportation – Transport statement is not for the current proposal; mini roundabout solution is not acceptable; car parking for surgery is insufficient; vehicle tracking not submitted for refuse vehicle; no ev charging space details

KCC PROW – No comments received

KCC Flood & Water Management – No surface water drainage strategy has been submitted

Environment Agency – Outside of remit as statutory consultee

Southern Water – No comments received

River Stour Internal Drainage Board – Object; no drainage strategy

Contaminated Land Consultant – No objection subject to condition

NHS Kent and Medway – No identified needs for the doctors surgery building and there is currently no commissioning intention for an additional GP contract in Sellindge; housing will generate a direct impact which will require mitigation through the payment of an appropriate financial contribution

Natural England – A likely significant effect on Stodmarsh designated sites cannot be ruled out

KCC Ecological Advice Service – Objection: ecological information submitted with this planning application does not cover the footprint of the proposed development and there is a need for an ecological impact assessment covering the footprint of the proposed development to be submitted prior to determination; the information is over two years old and must be updated; bat emergence surveys should be included; insufficient details relating to reptiles; inadequate information relating to GCN;

KCC Archaeology – No objection subject to condition

KCC Economic Development – Additional impact required to be mitigated by financial contribution

Kent Fire & Rescue – Emergency access requirements for the Fire and Rescue Service have been met

Representations

Eleven representations received objecting on grounds of:

- Insufficient local infrastructure to sustain existing community
- Proposal fails to deliver on community infrastructure
- Not enough school
- Poor quality internet
- Stodmarsh
- Existing surgery needs updating, not a new surgery
- No GPs to staff existing surgery
- Village cannot handle more building
- Road around school needs to be safer
- Roads are overused
- Increased traffic hazards
- Village will become a town
- Destroying peace and quiet
- No need for houses/further development
- Concern regarding roundabout worsening congestion
- Sellindge has an excess of housing
- Site not within Core Strategy
- Overdevelopment of village
- Developer would not contribute to infrastructure
- Speculative, piecemeal development with no cohesion for local community
- Views toward AONB would be impacted
- Adverse impact upon openness and rural feel of area
- Green field site
- Other sites have been identified within core strategy for development
- Transport statement for earlier development
- Highways don't allow mini roundabouts on A-roads
- Site entrance opposite Potten Farm entrance
- Unnecessary traffic to another doctors surgery
- Goes against Sellindge masterplan and CSD9

Publicity

Neighbour letter. Expired 29.12.2023

Site notice. Expired 29.12.2023

Press notice. Expired 11.01.2024

Relevant policies

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

Places and Policies Local Plan: ND5, HB1, HB2, HB3, HB4, C1, C3, C4, T1 T2, T3, T5, NE2, NE3, NE5, NE7, HE2, CC2, CC3, HW4

Core Strategy Review 2022: SS1, SS2, SS3, CSD1, CSD2, CSD4, CSD5, CSD9

NPPF: paragraphs 11, 38, 47, 115, 116, 123, 124, 131 – 140, 159, 180, 182, 186, 200, 203

Kent Design Guide

Appraisal

Principle

The site is outside of any settlement boundary identified on the proposals map, and as such for the purposes of the local plan, is defined as open countryside. The emphasis of Development Plan Policy is on sustainable development, avoiding isolated dwellings in the countryside and directing development to sustainable towns and villages. Core Strategy policy SS1 seeks to direct development to sustainable villages and to prevent development in the open countryside except where a rural location is essential. This is reinforced further in policies SS3 and CSD3. The latter policy lists the circumstances in which new development in locations outside the settlement hierarchy will be acceptable in principle and none of these apply in this case.

The background to recent development in Sellindge starts with the Core Strategy (2013) which identified land in the centre of the village as a broad location for development to deliver a central village green/common, a more pedestrian/cycle-friendly Ashford Road, and other community facilities, financially enabled by limited residential development (approximately 250 dwellings). This development has planning permission and is being built out, with many dwellings now occupied. Subsequently the PPLP (2020) allocated four smaller (non-strategic) sites for residential development in Sellindge (Policy ND5), including The Piggeries, which adjoins this proposal site. The PPLP allocation at The Piggeries site was deemed to be acceptable here because it was on land with existing, derelict structures, for a very limited number of dwellings. The allocation has a tight focus on the existing buildings and immediate curtilage, integrating well with the neighbouring properties.

The CSR (Policy CSD9) has further expanded development in Sellindge. Land to the south and north east of Ashford Road still forms a broad location for development to create an improved village centre with a mix of uses, a village green/common, pedestrian and cycle enhancements to Ashford Road and other community facilities together with new residential development of up to circa 600 dwellings. The first phase has planning permission for approximately 250 dwellings. The second phase for the remaining dwellings comprises Site A (land to the west of Phase 1) and Site B (land to the east of phase 1) and this is the subject of the policy.

CSR Policy CSD9 sets out a number of criteria for phase two, including that proposals must provide 'Prior to the commencement of development, a proportionate contribution towards the upgrading and/or expansion of existing local medical facilities or otherwise towards a new healthcare facility to meet the needs of the residents (criteria d iv.).

Therefore, the principle for some residential development in Sellindge is acceptable to meet needs for central facilities in a location near the junction with Swan Lane and this has been planned for, comprehensively, through the Local Planning process and its extensive evidence base.

The recent changes to the NPPF (20.12.2023) mean that authorities with an up-to-date plan will no longer be required to demonstrate a five-year housing land supply. However, notwithstanding paragraph 76, footnote 79 clarifies that this should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework – the application was valid from 29.11.2023.

The Authority Monitoring Report (AMR) 2022 is the last published position of the Council's 5-YHLS. The AMR shows that based on the proposed 'stepped' requirement of 622 dpa for 2022/23 – 2023/24 and 885 dpa for 2024/25 – 2026/27, and the housing land supply position as of 1st April 2022 5.1 years.

The response from NHS Kent and Medway sets out that there is no identified need for the medical centre (previously the doctors' surgery) building included in the application and there is no current commissioning intention for an additional GP contract in Sellindge. The applicant has not communicated with either NHS Kent and Medway or the existing general practice in Sellindge prior to this application being made.

Overall, there is no demonstrated need for either the residential development or the new medical facility at this location, which cannot be met through planned development within the local area.

Sustainability

The western edge of Sellindge has limited community facilities, with only Potten Farm shop and the Dukes Head public house close by. The closest bus stops are on Ashford Road (Dukes Head) south east of the application site, a walk of approximately 60 - 70m along the Ashford Road (A20). There are two convenience stores approximately 880m away, with pedestrian footpath available, but both are small stores with a limited range of products. There is also a primary school, approximately 500m to the south east, also accessible via pedestrian footpaths.

Manual for Streets identifies a 'walkable neighbourhood' as being typically characterised by having a range of facilities within 10 minutes / up to about 800m walking distance which residents may access comfortably on foot (paragraph 4.4.1) but it is accepted that this is not an upper limit. Whilst the open market housing may be considered to be in a sustainable location, being within walking distance of services and public transport, the proposed location of the medical centre, which would move the existing medical facilities from the centre of the village to the rural edge, would be in an unsustainable location relative to the majority of the existing development and all future planned development in the area, and a less sustainable location relative to the current facilities, which would result in an increased reliance upon private cars to access it. The location of the proposed development overall is therefore considered unsustainable.

Visual impact/Layout/Design

Locating development to the south and northeast of Ashford Road as per Policy CSD9, avoids areas with greater landscape sensitivity (further information on this can be found in the Shepway Growth Options Study Phase Two Report (EB04.21) and Shepway District High Level Landscape Appraisal (EB 04.30) CSR evidence base documents). However, the proposed site is on the north west of Ashford Road and west of Moorstock lane, with views into and out of the Kent Downs AONB. The character here is more rural, with small-scale fields, mature trees and hedgerows, and within the setting of the AONB, therefore this area is potentially sensitive to any development.

When considering new development in the setting of the AONB, developers must consider the impacts on views and use carefully designed planting schemes and sensitive building design, scale and choice of colour to help integrate development into the landscape, with compensation for any lost qualities.

The existing site frontage is made up of well-established trees and hedgerow and the character of the area is generally rural, where development is small scale, generally two storey buildings or bungalows scattered on large garden plots with plenty of established vegetation and backing into a general farmland of rolling pasture.

The proposed site layout has taken steps to acknowledge this character relative to the previous submission through the addition of trees at the proposed site entrance, but remains focused around the highway access and roundabout, with a long, heavily engineered access into the site which

would appear both incongruous and significantly alter the character of the street at this point from a rural road, to a suburban one, despite the 'dog-leg'. The entrance of the application site would be flanked by the bungalows and doctors' surgery – both single storey. The proposed doctor's surgery on the east side of the access appears as an over-scaled bungalow with few redeeming architectural features to add interest. The landscaping to the western boundary would ameliorate some of the proposed change, but together with the proposed altered road layout, access road and houses, will be visually jarring relative to the existing character.

Internally, the site layout is suburban, with heavily engineered highway layouts, a car park (serving the medical facility), large blocks of visitor spaces (4-6 spaces in five blocks), and the houses laid out in a suburban character that would be extremely car dominant. The proposal attempts to create a street hierarchy, with a change in surfacing and granite setts marking the transition to different areas, and footpaths shown either side of the main tarmac roadway, and a cul-de-sac area at the northern edge. However, this part of the proposal displays a confused layout, with a car barn sitting in the centre and the access road split by bushes/[post and rail fencing. There are long runs of unbroken boundary wall within the scheme, which would be considered out of character with the rural character of the site, and which also present blank frontage to the street scene. Although some properties have front garden areas, few are substantial and the majority do not, with a limited number of street trees in the wider development, and properties predominantly being back of edge.

The development does not provide a range of street types, incorporate street trees, acknowledge the rural character, or create a sense of place. The linear play space appears as an afterthought, and is not integrated into the development, with no prominence within the scheme. There would be wide open avenues, large areas of roadway between properties, and dominant parking areas. The incorporation of the existing PROW that cross the application site into the site is acknowledged, but has not been realised in any successful way, with the relegation of pedestrians to the site edge not outweighed by the movement back into the site past the reed pond, as the path then follows the northern boundary at the top of the site, at the back of the development behind boundary treatments, which would diminish the quality of this route. The development layout is therefore considered to demote pedestrians to beneath private motor vehicles in terms of street hierarchy and would not promote active travel.

Architecturally, both the proposed bungalows and the surgery would be considered visually incongruous within the immediate street scene, where dwellings are typically two-storey and front onto the roadway. The overall form of the surgery, being squat with a slack roof pitch, lacks in any form of character that reflects the surrounding development. The buildings within the site propose to use brick composite weatherboarding, white uPVC windows, and predominantly slate tile, but some plain tile roofs on the bungalows, across the different dwelling types. The general palette is not considered out of character with the area although the use of a clay plain tile would be preferable.

Although suggested to be within the setting of the AONB, it is considered that the landscape and scenic beauty of the Kent Downs AONB would not be detrimentally altered by the proposal, given the intervening distance (approximately 2.2km), but the character of the immediate countryside would be detrimentally altered through the form and orientation of the structures proposed at the site entrance and the heavily engineered, suburbanised layout of the development as a whole.

Overall, the proposal would be a poorly designed development that would appear incongruous, visually dominant, and out of character with the locality, because of the layout and design of the buildings, as well as the layout of the highway within the site.

Amenity

Future Occupiers

For future occupiers, most of the houses meet the adopted standards for GIA in accordance with PPLP policy HB3, with the rooms providing an acceptable standard of accommodation and daylight. However, the 1-bedroom bungalows, which have been measured to be approximately 44.5 sqm, where the policy requires 50sqm would be beneath the standards, and the third bedroom in the 3 bed houses measures approximately 6.8sqm, where policy requires 7.5sqm. Consequently, there would be an impingement upon residential amenity for those properties.

In respect of the external areas, these vary greatly, with plots 1 – 4 having gardens of between approximately 4 and 6 metres in depth, plot 8 being between 2.6 (min) and 6.3 (max), plots 13 – 20 having 6 metre garden depths, plots 21 – 24 being 7 metres, plot 25 being approximately 7.8 metres, and plots 31 and 32 having gardens of approximately 6.5 – 7 meters in depth. All these are beneath the 10-metre requirement of policy. Some of the other gardens are also beneath the 10-metre length, but are wider than the rear of the property, or irregularly shaped, so would provide an acceptable external amenity area.

The presence of a proposed on-site play space and open space is noted, but this is not considered an acceptable alternative for private amenity space for the dwellings on a day-to-day basis.

Overall, it is considered that as a consequence of inadequate GIA and external amenity spaces, there would be an unacceptable impact upon the living conditions of future occupiers.

Existing Uses

There are no existing residential uses immediately adjacent to the application site, although a proposal is under consideration on the adjacent site (reference 20/1677/FH) but has not been determined. As this has not been determined, it is impossible to determine whether there is likely to be a detrimental impact from overshadowing, overbearing presence or overlooking. Noise and disturbance from the residential and medical uses is unlikely to be of significant detriment, given the location adjacent to an A-class road, even acknowledging the increase in traffic in the locale.

Overall, there would be no likely detriment to amenity of existing uses because of the proposed development.

Highways

The site is rural in location, where policy guidance is minimum for residential parking. The proposals have been assessed by KCC Highways & Transportation and found to be deficient with regard to the provision for the doctors surgery. The parking standards for a doctors surgery as set out in the Kent Design Guide is 4 spaces per consulting room and 1 space per 2 staff. Based on a total of 5 consulting rooms and 10 full time equivalent staff being employed a total of 25 car parking spaces are required. Only 10 parking spaces are currently shown. The significant projected shortfall in spaces is likely to result in vehicles being parked on the highway, to the detriment of highway safety and residential amenity.

KCC Highways & Transportation have noted also that the Transport Statement is in respect of the previously refused proposal at the site and therefore is not valid for assessment of the current scheme.

The mini-roundabout design solution on the A20 is not considered acceptable as KCC Highways and Transportation no longer accepts mini-roundabouts on A-roads due to a lack of vehicle deflection and also due to the A20 being subject to a 40mph speed limit in this location. A priority junction onto the A20 would be the only acceptable design solution here together with a appropriate visibility splays of 2.4 metres by 104 metres based on the 40mph speed limit.

Vehicle tracking has not been undertaken for an 11.4 metre long refuse vehicle to show that it can enter the site, turn around and then exit in forward gear.

KCC have highlighted that no details of electric vehicle charging spaces have been provided for the doctors' surgery nor the proposed residential dwellings, which should be at a ratio of 10% active and the rest of the spaces having passive provision for the doctors surgery and 1 active space per dwelling for the residential dwellings. The chargers should be provided to a 7kw standard. However, this detail could be secured via condition.

For bicycle storage, sufficient provision or space for provision has been shown across the site and could be secured by condition.

Overall, the proposals do not provide adequate vehicle parking facilities within the site, which is likely to lead to vehicles being parked on the highway, inadequate information has been supplied with regard to vehicle tracking within the site, and the proposed junction onto the A20 does not meet appropriate design standards, all of which are to the detriment of highway safety.

Drainage

No surface water drainage strategy has been submitted with the application and Kent County Council as Lead Local Flood Authority has recommended that the application is not determined without this information.

This lack of detail means that the proposal, as submitted, would be contrary to PPLP policy CC3.

Ecology

KCC Ecology has reviewed the ecological information submitted in support of this application and have advised that insufficient information has been provided, as the document submitted relates to the adjacent site and does not cover the footprint of the development and the site contains suitable habitat to support protected/notable species, including rough grassland and dense hedgerows. An Ecological Impact Assessment (EclA) would be required to inform a planning decision, containing details of a preliminary ecological appraisal, recommended species surveys, assessment of impacts and details of any mitigation required. This has not been submitted.

It is also highlighted that the improvement of biodiversity in and around developments is part of both national and local policy and details of how the site will enhance biodiversity must be provided within the EclA, which has not been done.

The application site is also within the Stour Operational Catchment and a likely significant effect on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar site) cannot be ruled out due to the increases in wastewater from new developments coming forward in the River Stour catchment. The LPA need to undertake a Habitats Regulations Assessment (HRA) to ensure that the proposal will not have an adverse effect on the integrity of the sites identified above and to do this, require information on:

- Consideration of this project's implications on total nitrogen and total phosphorus nutrient loading within the river Stour catchment
- Mitigation measures to avoid the effects of these nutrient implications
- Consideration of the proposal and required mitigation measures at the appropriate assessment stage of the HRA
- Any other likely significant effects that could arise from the development that should also be assessed

The submitted Nutrient Assessment concludes that there would be an increase in nutrient load associated with the proposal, although it is noted that this is a calculation that seems to have been made for a larger scheme. It also proposes several alternatives for mitigation, which have not been explored in detail. Consequently, as no one mitigation pathway has been chosen and the report sets out that there would be an increase in nutrient load, it is considered that insufficient information has been submitted to form part of a Habitats Regulations Assessment (HRA) to determine the significance of these impacts and the scope for mitigation to avoid adverse effects on integrity of protected sites. As such, the proposal cannot be supported as currently submitted.

Affordable Housing

The proposal is for 32 dwellings, but there is no information submitted in respect of affordable housing. Four of the bungalows are suggested to be for sheltered housing, but there is no mechanism detailed or information provided as to how these would be operated. Sheltered housing does not meet the definition of affordable housing within the NPPF.

Contaminated Land

The application has been accompanied by an environmental assessment that sets out the site history, geo-environmental setting, current site status and sets out a conceptual model and risk assessment. The report has been reviewed by the Council's Contaminated Land Consultant who has identified that the current application redline includes a much wider site with a large area of public open space to the north and east of the development footprint which is not covered by the report. They highlight that there are several features that require investigation as well as identifying an increased radon risk in the area following an updated mapping.

The report also includes the findings of a site walkover and identifies the potential for the presence of contamination on site as a result of historic agricultural use and due to asbestos, although the elevated risk level relates mainly to the southwest of the report study area which is subject to the separate Phase 1 planning application, which is currently undetermined. The current subject site (Phase 2) comprises mainly rough pasture and a small pond was noted near to the site entrance which requires investigation. The report identifies several potential risks that warrant further assessment by intrusive ground investigation and sets out in brief the scope of the proposed investigation.

The Council's contaminated land consultant has reviewed the report and agrees with the findings and recommendations for further investigation, with no objection to the granting of planning permission subject to imposition of the council's full standard land contamination condition.

Open Space / Play Space

Policy C3 of the PPLP require proposals of 20 or more dwellings to provide for open space in accordance with the standards in Table 12.1 of the Places and Policies Local Plan. The standard equates to 30.1 sq m of open space per person. Site Plan drawing SP08 shows the provision of relatively extensive landscaping to the eastern edge and north-eastern area of the site, but this is

represented in a rather linear as opposed to a consolidated form. It is, therefore, considered to better represent general soft landscaping and not satisfying on site requirements for open space.

Policy allows that the space needed may be met by commuted sum payment towards the provision or improvement of open space nearby on a scale related to the size and scale of the development. This has been calculated to be £15,507.42 as a capital sum, with £2,691.20 for maintenance.

For play space, as required by policy C4 of the PPLP, the Council will require proposals of 10 or more family dwellings (2 or more bedrooms) to provide for child play space in accordance with adopted standards. Site Plan drawing SP08 shows the provision of an area marked as 'Play Area', which will provide for in the order of 144 sq m of dedicated play space. The provision of this area of play space would satisfy the on-site requirement of 111 sq m. The submitted information does not contain any specification as to what the play area would comprise. Based on the proposed area of play this would correspond to a Local Area for Play (LAP). The applicant has not provided clarification as to the ongoing maintenance regime. At this time the local planning authority is not aware if the applicant is seeking that the Council, or another party, such as the Parish Council, will take on maintenance responsibility for the Local Area of Play or not.

If a third party is to take on maintenance responsibility, then as identified in paragraph 6.33 of the Play Area Strategy, there's also a need to take account of commuted sums. The amount payable for the commuted sum for all classifications of play area will be calculated using the figure of £4.59 m² per annum for all classifications of play area which equates to 6,609.60 over 10 years, if the maintenance responsibility is taken on by a third party.

Arboriculture

The application has been accompanied by a tree survey report, which contains results from tree surveys of the site, and makes recommendations regarding the potential impacts, the significance of the impacts, and recommended protection measures and method of working. A condition could ensure that all tree protection measures as detailed within the report were installed and checked for compliance prior to the ground works contractors site occupation.

Archaeology

The proposal has been reviewed by KCC who have advised that the site lies within an area of background archaeological potential, with recent development c.800m to the east of this site revealing significant evidence from Bronze Age, Iron Age and Romano-British rural settlement. The site appears from historic mapping and aerial photography to have been pasture for much of its recent history and any below-ground archaeological remains at the site may therefore be relatively undisturbed and would be impacted by groundworks associated with the proposed development. It is recommended that should planning permission be granted, a condition requiring archaeological field evaluation works in accordance with a written scheme of investigation and potential safeguarding measures should be imposed.

Self-build and Custom Housebuilding Development

PPLP policy HB4 requires all sites within the North Downs Area delivering more than 20 dwellings to supply no less than 5 per cent of dwelling plots for sale to self-build or custom housebuilders on the Council's register. This has not been proposed within the application.

Best and most versatile agricultural land

Policy HW3 of the PPLP sets out, amongst other things, that to reduce the environmental impact of importing food, development proposal should not result in the loss of the best and most versatile

agricultural land (BMV agricultural land) unless there is a compelling and overriding planning reason to do so and mitigation is provided through the provision of productive landscapes on-site or in the locality.

The Framework sets out in paragraph 180 that planning decisions should contribute to and enhance the local environment, recognising the economic and other benefits of the BMV agricultural land. Footnote 62 goes on to explain that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The application site lies on an area of land which is classified as Grade 2 under the Agricultural Land Classification, which is classified as 'very good quality'. The Framework does not define what is meant by 'significant' but the site is of a size to accommodate the proposed development and associated infrastructure so certainly isn't insignificant in size. However, it also forms part of a much larger agricultural area, surrounded by BMV fields to the north, east and part of the west of the site. Whilst it does appear to be significant in terms of its size and nature in terms of its location surrounded by other agricultural BMV land, irrespective of this and as set out elsewhere within the report, the development is not considered necessary and therefore, the use of this land would represent an unplanned loss of an important national resource.

Financial Contributions

NHS Kent and Medway have advised that, to mitigate the direct impact upon delivery of general practice services, covering refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice p healthcare services provided in the community in line with the healthcare infrastructure strategy for the area, a contribution of £28,332 would be sought. This is based upon the generation of approximately 78.7 new patient registrations based on the dwelling mix and the proposed development falling within the current practice boundaries of Sellindge Surgery, New Lyminge Surgery and Wye Surgery.

KCC Economic Development have identified that as the FHDC CIL Infrastructure Funding Statement schedule confirms that KCC Education projects are to be fully funded via s106 contributions, the following amounts are sought:

Primary Education: £151,556.72 towards the expansion of Sellindge Primary School and/or the creation of additional primary places in the Sellindge and Lympne planning group.

Secondary Education: £149,219.56 towards the expansion of selective and non-selective secondary schools in Folkestone & Hythe District.

Special Education Needs & Disabilities (SEND): £15,675.24 towards the provision of additional SEND places and/or additional SEND facilities to serve this development within Folkestone & Hythe District.

All other financial contributions (community learning, youth service, library service, social care and waste) are met through CIL.

Environmental Impact Assessment

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

Section 70(2) of the Town & 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 local finance considerations as a grant or other financial assistance that has been, that 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 a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. CIL would be levied upon this development.

Human Rights

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

Public Sector Equality Duty

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.

It is considered that the application development does not conflict with objectives of the Duty.

Duty to cooperate

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this instance the in-principle objection to the proposal has meant that it has not been considered reasonable to require the applicant to address the significant range of issues associated with the development proposal.

Recommendation

Taking the above into account, it is considered the proposal is an unsustainable development that does not comply with development plan policy or the NPPF and is therefore recommended for refusal.

Recommended Refusal Reasons (10)

1

The application site is set outside of the defined settlement boundary and away from established and planned strategic residential development, amenities and services, with no justification of need for the proposed residential and healthcare uses in this location, and would represent a significant, unsustainable development, away from the emerging village core, contrary to policies SS1, SS3 and CSD9 of the Core Strategy Review, policy ND5 of the Places and Policies Local Plan and the National Planning Policy Framework, which seek to direct new residential development towards existing settlements and sustainable locations.

2

The proposed layout of the scheme as a whole, together with the poor building design at the site entrance, would fail to respond to the character of the existing development or rural location, thereby failing to create a sense of place and appearing incongruous, visually dominant and out of character with the locality. In addition, the failure to provide a street hierarchy that places pedestrians above vehicles, promote active travel, or successfully incorporate the existing PROW network into the layout, would be contrary to policies T1, HB1, HB2, HW4 and C1 of the Places and Policies Local Plan and the National Planning Policy Framework.

3

By virtue of the removal of existing landscaping across the frontage, an unsympathetic urban layout, poor building design, and a failure to provide adequate replacement landscaping throughout the scheme as a whole, the development would represent unplanned and unsympathetic urban sprawl detrimental to the rural character and appearance of the area, contrary to policy CSD4 of the Core Strategy Review, policies HB1 and HB2 of the Places and Policies Local Plan, and paragraph 180 of the National Planning Policy Framework.

4

The proposals provide inadequate vehicle parking facilities to serve the proposed development, which is likely to lead to vehicles being parked on the highway. In addition, the proposed junction onto the A20 does not meet appropriate design standards, both of which are to the detriment of highway safety, contrary to Places and Policies Local Plan policy T1 and

National Planning Policy Framework paragraph 115.

5

In the absence of a site specific ecological impact assessment, the proposal fails to properly address the potential ecological impacts arising from the proposed development, necessary mitigation measures or measures to enhance within the proposed development resulting in potential harm to biodiversity. As such, the proposed development would potentially have an adverse effect on protected species and habitats and the proposal would be contrary to Core Strategy Review policy CSD4, Places and Policies Local Plan Review policy NE2 and National Planning Policy Framework paragraph 186.

6

As the application site is within the Stour Operational Catchment, in the absence of information that would allow the competent authority to conduct a Habitats Regulations Assessment (HRA) it cannot be determined that the proposal would not have a likely significant effect relating to the proposals impact on the on the internationally designated Stodmarsh sites (SAC, SPA and Ramsar) and the proposal is contrary to Core Strategy Review policy CSD5, Places and Policies Local Plan policy NE2 and National Planning Policy Framework paragraphs, 180 and 185.

7

The proposal fails to acknowledge or address the identified local need for plots for self-build and custom housebuilding development and as such fails to address this identified housing need. The proposal is therefore contrary to Places and Policies Local Plan policy HB4.

8

No information has been submitted in respect of a proposed surface water drainage scheme and it cannot be demonstrated that there would be no increase to flood risk on or off-site, contrary to Places and Policies Local Plan policy CC3.

9

The proposed development would result in the loss of a significant area of Grade 2 agricultural land, with no compelling or overriding planning reason to justify this loss. Neither is any mitigation for this loss proposed through the provision of productive landscapes on-site or in the locality. As such the proposal would be contrary to Places and Policies Local Plan policy HW3 and National Planning Policy Framework paragraph 180.

The application fails to make provision for affordable housing, nor does it demonstrate that such provision would make the development otherwise unviable. As such, the scheme fails to address the housing needs as set out in the development plan and the proposal is contrary to policies CSD1 and CSD2 of the Core Strategy.

Suggested Informatives (1)

1

Your attention is drawn to the fact that this refusal of planning permission is on the basis of submitted drawings:

SP01 - Block Plan Zone Plan 1 of 3

SP02 - Block Plan Zone Plan 2 of 3

SP03 - Block Plan Zone Plan 3 of 3

SP04 - Site Plan Land Zones

SP05 - Proposed Block Plan 1 of 3

SP06 - Proposed Block Plan 2 of 3

SP07 - Proposed Block Plan 3 of 3

SP08 - Site Plan

SP09 - Site Location Plan

MH01 - Medical Hub Elevations & Floor Plans

H01 - Proposed SH 1 Bed Bungalow Elevations & Plans

H02 - 2 Bed Bungalow Elevations & Floor Plans

H03 - 2 Bed Houses Elevations & Plans

H04 - 3 bed House Elevations & Floor Plans

H05 - 4 Bed House Elevations & Plans

H06 - 4 Bay & 2 Bay Car Ports Elevations & Plans

