

**Application No:** Y16/1122/SH

**Location of Site:** Land Rear Rhodes House Main Road Sellindge Kent

**Development:** Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping.

**Applicant:** Quinn Estates and The Bucknell Trust  
C/o Agent

**Agent:** Mr Ben Harvey  
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**Date Valid:** 13.10.16

**Expiry Date:** 30.03.18

**PEA Date:** 30.03.18

**Date of Committee:** 03.04.18

**Officer Contact:** Miss Louise Daniels

## **SUMMARY**

This report considers whether outline planning permission should be granted for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping. The report recommends that planning permission be granted as it is considered that the site is within a sustainable location, adjacent to the settlement boundary of Sellindge with good transport links and within an identified area for planned growth in the future Regulation 18 consultation draft of the Core Strategy Review. The application proposes additional housing in a sustainable location which delivers infrastructure needs and accords with the adopted settlement hierarchy, over and above the Councils 5 year housing supply, is supported by the NPPF and as such, it is considered that on balance the addition of housing together with expanded and improved infrastructure for the village of Sellindge would deem this proposal to be, on balance an acceptable departure from the development plan.

**RECOMMENDATION:** That the Head of Planning be authorised under delegated authority to grant planning permission, subject to the completion of a section 106 legal agreement with the applicant that secures the infrastructure and financial contributions detailed within this report and subject to conditions outlined within the report and any additional conditions which he considers to be necessary.

## **1.0 THE PROPOSAL**

1.1 This is an outline application for the provision of 162 houses and up to 929 square metres of Class B1 Business floorspace for consideration of access only, together with a landscaping and land use parameter plan. All other matters (design, layout, landscaping and scale) reserved for future consideration.

This application is supported by the following documents:

- Landscape parameter plan;
- Land use parameter plan;
- Land use and landscape parameter plan;
- Planning statement;
- Design and access statement;
- Sustainability Assessment;
- Concept master plan;
- Access parameter plan;
- Five year housing land supply assessment;
- Analysis of housing supply;
- Flood risk assessment and preliminary surface water drainage strategy;
- Preliminary services appraisal;
- Ecological appraisal;
- Landscape and visual impact assessment;
- Arboricultural Impact Assessment (including addendum);
- Economic benefits statement;
- Archaeological Desk-Based Assessment;
- Air quality assessment;
- Noise assessment;
- Contamination assessment;
- Groundsure Enviroinsight report;
- Statement of community involvement;
- Transport assessment;
- Agricultural land classification and soil resources report;
- Road safety audit – stage 1;
- Plans relating to proposed site access and off-site improvement works;
- Heritage assessment

1.2 The proposed houses would comprise an allocation of affordable housing, self-build and retirement housing, alongside general market housing. The layout takes a new access from the A20 South of Rhodes House with a fully engineered junction, which will involve the removal of part of the small woodland alongside the road at this point.

- 1.3 The indicative layout shows a circuit road around the centre of the site with new houses mostly within the road but with an additional area of housing within a secondary loop at the north end of the site.
- 1.4 An indicative separate access road leads from just within the entrance, east alongside the embankment of the M20, to serve the business units with an area for parking, located between this road and the line of overhead pylons. An area of landscaped ground under the pylon line would separate the business development from the housing to the north. Allotment plots are also proposed in this location. The east of the site is shown on the Landscape Parameter Plan as the location for a nature reserve. An indicative footpath line is intended to encircle the site, with other links across the site.
- 1.5 Additional planting is proposed along the line of the pylons, along the north-east boundary with the farmland, at the junction with the existing village development and along the perimeters outside of the garden plots of Rhodes House and Little Rhodes.
- 1.6 As part of the proposal, an area of land to the north of Sellindge Primary School (as shown on submitted plan number 14.138.02 Rev C) has been sourced to enable the future expansion of the school to up to 2 forms of entry.

## **2.0 SITE DESIGNATIONS**

- 2.1 The following apply to the site:
  - The application site boundary is located just outside the defined settlement boundary of Sellindge.
  - There are two Grade II listed buildings in the immediate vicinity of the site, Little Rhodes and Rhodes House.
  - TPO No.16 of 2016.

## **3.0 LOCATION AND DESCRIPTION OF SITE**

- 3.1 The site is approximately 10 kilometres to the south east of Ashford (connected by the A20) and 15.5 kilometres to the west of Folkestone.
- 3.2 Sellindge is a rural settlement dating back to Norman times, which developed as a linear settlement through the 18<sup>th</sup> and 19<sup>th</sup> centuries as a stopping point between Folkestone, Hythe and London. The village underwent significant suburban expansion in the mid twentieth century alongside growth in private car ownership, with a number of new estates built either side of Swan Lane. The construction of the M20 in the 1980s had a significant impact on the role of the village, with the majority of traffic using the motorway to travel to and from the coast and the settlement no longer being located on the Strategic Road Network. Despite this the A20, with a 40mph speed limit, forms a significant divide within the village, separating the residential core to its north from many of its services to the south.
- 3.3 The application site consists of six arable fields located on the south east edge of Sellindge, north of the M20. The site area is of an irregular shape,

measuring approximately 480m north-south and 680m east-west. The A20 Ashford Road is located to the western boundary with a site road frontage of about 80m, from where site is currently accessed, comprising a thick belt of trees along this frontage. The west boundary of the site skirts around the rear of the landscaped grounds of the Grade II listed Little Rhodes and Rhodes House buildings and the rear of modern housing development on the east side of Swan Lane (Whitehall Way, Leafield, Forge Close and Lourdes Manor Road).

- 3.4 Swan Lane is located at the northernmost point of the site where it abuts Homelands Close, a short cul-de-sac of modern houses, before returning south and east. This north-east boundary of the site adjoins other undeveloped farmland and the boundary is marked by hedgerows with occasional hedgerow trees extending approximately 500m towards the south east.
- 3.5 In this area the site diminishes to a point at the eastern end of the site and the boundary then returns towards the south-west forming the south-east boundary with more farmland to the east. This boundary is marked by a stream and dense woodland alongside it.
- 3.6 At the southern end, another more minor stream or ditch joins the stream not far from where the boundary returns westward, forming the southern boundary of the site, against the M20 motorway which at this point is elevated on an embankment close to the boundary. This south boundary follows the motorway along to where it crosses the A20 on an overbridge.
- 3.7 The site has a complex landform with the highest part up against the North boundary where it abuts the rear of houses in Whitehall Way forming a low hill at this point with the farmland gently falling away to both the south and east.
- 3.8 On the east side a secondary stream rises close to the north-east boundary and forms a small wooded valley as it crosses the site southwards. This joins another water course that flows across the south-east boundary, entering from the east and crossing under the M20 embankment before continuing to flow away to the west on the far side of the motorway.
- 3.9 The main part of the site to the west of the secondary stream forms a gentle hillside falling towards the stream to the east and to the south towards the motorway. This hillside is divided into four main fields with the largest at the top, north, end of the site and incorporating the brow of the promontory. Two further long fields about 40m x 350m are arranged east-west on the hillside and below these, the last field is the remains of a third field truncated by the construction of the M20 motorway in the 1980s. The boundaries of all these fields are marked with scrappy hedgerows with occasional hedgerow trees.
- 3.10 On the far side (east) of the north-south watercourse valley, a further large triangular field about 330m x 300m occupies the land between the north-east and south-east boundaries. Again this is defined with hedgerows and trees but there is more substantial woodland alongside the stream which runs

alongside the south-east boundary. Within this field the land falls away forming a very gentle ridge towards the central valley and the stream on its south side.

- 3.11 A high voltage overhead line crosses the bottom of the site near the south boundary and there are two high voltage pylons located within the site.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 A Screening Opinion was carried out by the LPA (reference Y16/0001/SCR) for land rear Rhodes House under Regulation 5(1) of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 for a neighbourhood extension for the creation of up to 175 houses including affordable and self-build housing, up to 929sqm B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping. The Screening Opinion concluded that the proposal, with mitigation measures in place, is unlikely to have significant effects on the environment due to its nature, size and location and that an EIA was not required. It was issued 05.09.16 and Screening Opinions are valid for 2 years, therefore, there is no requirement for this development to be screened again.

4.2 A Hybrid application (reference Y14/0873/SH) for the redevelopment of land between the A20 and M20 (land adjacent to The Surgery) in Sellindge, was approved with conditions on 22.01.16. The application was for:

- outline permission (with all matters reserved except access) comprising of 200 dwellings, local mixed use centre containing parish offices (sui generis up to 100m<sup>2</sup>), and associated storage (sui generis up to 100m<sup>2</sup>, 40m<sup>2</sup> as closed storage and 60m<sup>2</sup> as secure outdoor storage) commercial floorspace (a1/a3/a5 uses up to 200m<sup>2</sup>) together with access from the A20, associated roads, parking, earthworks, open space including attenuation features and landscaping.
- full application comprising 50 dwellings, village green and play equipment, access from the A20, associated roads, community car parking, earthworks, open space including attenuation features and landscaping.

#### **5.0 CONSULTATION RESPONSES**

5.1 Consultation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

5.2 Sellindge Parish Council

Object on the following grounds:

- Outside the settlement boundary for Sellindge and within the countryside.

- The site was put forward as a submission site in the call for sites for the Places and Policies Local Plan (SHLAA ref 328, where it was rejected).
- This would be a large greenfield expansion into the countryside, with a site boundary vulnerable to further growth in the future to the North East of the site.
- The entrance/exit to the site will be 80m from the main entrance to the already approved Taylor Wimpy site, phase 1 for 50 dwellings, and the amount of traffic at peak times would worsen the air pollution and odour pollution already experienced.
- Health and safety concerns regarding the high voltage overhead power lines that cross the site.
- Surface water migrates to the East Stour River which is to the south of the M20. Concerns the culvert would not be able to cope with the extra surface water runoff generated by this development, raising the frequency of major flooding events locally.
- No contamination details submitted however the Parish Council knows of an incident adjacent to the site at Homelands Close, caused by oil and fuel.
- Loss of agricultural land.
- There are records reported in the KCC comment of hedgehogs and badgers in the area, further work required.
- The applicant has not provided a conclusion as to why the development is really needed.
- One entrance/exit could result in gridlock should there be an accident.
- Primary school provision and doctors' surgery.

### 5.3 KCC Archaeology

The site is located in a landscape that is generally rich in archaeological remains and there is good potential for the site to contain remains of archaeological interest, potentially including significant archaeology that may warrant preservation in situ. This could be addressed through the use of a planning condition.

The retention of the historic hedges as shown on the revised Landscape Parameter Plan is an improvement.

### 5.4 KCC Ecology

No objection subject to conditions requesting the submission of additional information with regard to:

- Hedgerow and tree protection during construction.
- Construction Environmental Management Plan (CEMP) to be submitted to include provisions for bats, reptiles, water voles, common toads, breeding birds and badgers, and shall be based on the guidance outlined the submitted Ecological Appraisal.
- Lighting Design Strategy for biodiversity, including details of dark corridors to ensure there is no detrimental impact to bats.
- Mitigation Strategy.
- Details of a scheme for the enhancement of biodiversity, to include the timing/phasing of the respective elements forming the scheme, and those measures set out within the submitted Ecological Appraisal.

- A Landscape and Ecological Management plan (LEMP) to ensure the dedicated nature reserve and ecological corridors are managed appropriately for maximum ecological benefits.

#### 5.5 Environmental Health

No objection subject to conditions.

#### 5.6 Contamination (Idom Merebrook consultants)

No objection subject to contamination condition. Following the submission of a revised report (Phase 1 Land Contamination Assessment for Land at Sellindge, Ashford by Ecologia (ref: EES 14 .249.1v2) for Quinn Estates Ltd dated 6 January 2017) which now takes account of a historic pollution incident and the report now fulfils the requirements of the first part (desk study & conceptual site model) of Shepway's standard land contamination planning condition.

#### 5.7 Highways England

No objection following the submission of additional information and satisfied that the proposed development will not affect the operation of the Strategic Road Network.

#### 5.8 KCC Highways and Transportation

No objection subject to conditions requiring the changes to the A20 to be carried forward by this proposal if the other site has not already carried out their obligation.

Kent County Council Highways and Transportation will be seeking the developer to deliver the Newingreen junction scheme. The developer contributions already accepted by KCC and SDC to this end will be available should this application be granted permission.

#### 5.9 Housing Strategy

No objection. From the 162 properties on site proposed we would expect the development to deliver 30% affordable housing units which would equate to 49 units with the following to be achieved from this site:

The affordable housing units: 49 units mixed tenure for affordable housing – 60% affordable rent and 40% shared ownership:

- 10 units for retirement
- 23 units for affordable rent general need
- 16 units for shared ownership
- Some of the 49 affordable units could be delivered for self-build, potentially as a community housing initiative. The homes could be for rent or shared ownership.

A local lettings plan should be factored in so that local people to Sellindge would be given priority for a proportion of the affordable housing rental units and the properties delivered by an affordable housing provider to be approved by the Council. The location of the units on the site to be in agreement with the Council.

#### 5.10 Kent Wildlife

No objection subject to the recommendations regarding enhancing the boundary features with a comprehensive long-term management plan including penetrable boundary fencing and the creation of characteristic habitats of acid grassland and heath, wet woodland and wood pasture conditioned.

#### 5.11 Natural England

No objection to revised and additional viewpoints and addendum to the submitted Landscape Visual Impact Assessment. Natural England consider that the additional viewpoints submitted provide a better representation of views of the proposed development from the AONB from which it is clear that the development would be visible in part from few locations within the AONB. It would be most visible from south of Farthing Common car park. Natural England conclude, therefore, that the proposals are not likely to have a significant visual impact on the setting of the AONB.

#### 5.12 Southern Water

No objection subject to conditions. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework, The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. If approved a condition for a drainage strategy shall be conditioned together with a foul and surface water sewerage disposal.

#### 5.13 KCC Lead Local Flood Authority

No objection subject to conditions requiring a surface water drainage scheme, a timetable for its implementation, and a management and maintenance plan for the lifetime of the development.

#### 5.14 KCC Education & Economic Development

No objection. Sellindge Primary School occupies a site which is insufficiently large to accommodate a 1 Form Entry school, prohibiting its expansion. This has been recognised and accepted by application Y14/0873/SH and Shepway District Council. Therefore, should application Y14/0873/SH be developed, the County Council will receive land to facilitate the expansion of the school to 1FE from the current 0.5FE and further land would be required to further expand this school in response to this application, increasing the school to at least 1.5FE or ultimately to 2FE.

The following contributions are required:

Primary School	37 additional Primary School places (excluding the 30 retirement units) amounting to £528,000
Secondary School	Currently no requirement
Community Learning	£21.08 per dwelling (x 162) = £3414.40
Youth Service	Currently no requirement
Libraries	£108.32 per dwelling (x162) = £17,547.92

Social Care	£73.87 per dwelling (x 162) = £11,966.94, plus 2 wheelchair adaptable home delivered as part of the on-site affordable delivery
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The County's planning obligation requirements for a construction contribution and additional land for Sellindge Primary School are essential to mitigate the education demand from this development. Without this obligation the developer would fail to mitigate the service demand being created and consequently his development would not be acceptable.

A condition be included for the provision of Superfast Fibre Optic Broadband.

5.15 Arboricultural Manager

No objection to revised landscape masterplan.

5.16 Rural Planning Ltd (agricultural advice)

Table 2: Agricultural Land Classification:

Grade Description	Area (ha)	% of agricultural land
1 Excellent quality	7.0	38
2 Very good quality	7.4	40
3a Good quality	2.2	12
3b Moderate quality	2.0	10
Total Agricultural	18.6	100

5.17 Environment Agency

No objections subject to conditions requiring a remediation strategy, a site investigation scheme, verification plan and details regarding the infiltration of surface water/drainage systems.

5.18 Landscape and Urban Design Officer

No objection.

5.19 Kent Downs AONB Unit

No objection. Although the site is not within the boundary of the Kent Downs AONB, the boundary lies approximately 1.25 km north/north-east of the application site and therefore this site forms part of the setting of the AONB, by virtue of the scale of the development, proximity to the AONB boundary and the fact that the proposed development will potentially be visible in views from the AONB. The AONB Unit is satisfied that the amended LVIA now provides a satisfactorily assessment of the impact of the proposal on the Kent Downs AONB.

Development must conserve and enhance the setting of the AONB and secure local distinctiveness through careful design, appropriate materials and layout as well as mitigation measures including landscaping and avoidance of external lighting.

The incorporation of the nature reserve and woodland and landscape buffer along the northern edge of the site is welcomed, as is the linear area of public open space running east west between the recreation ground and nature

reserve. As the application is made in outline, in order to ensure these features are maintained as part of any future reserved matters application, the Kent Downs AONB Unit considers it imperative to ensure that the principles set out in Landscape Parameter Plan are carried through to any subsequent proposals.

#### 5.20 Listed Building Consultant

No objection.

Listed buildings: There will be no adverse impact on the setting of the Grade II listed houses Rhodes House and Little Rhodes.

Visual impact: The access junction will cause the removal of much of the woodland along the frontage of the site alongside Ashford Road and the character will be markedly changed as a result. Junction improvements are also proposed for the Newingreen junction about 3.5km to the South along Ashford Road but these traffic management measures are confined to the highway and should not impact significantly of the character of the area of that junction.

Effect on the Landscape Setting: The development will be visible in many local views of the site and in more distant views, particularly from Farthing Corner. The proposed layout of the site, with large areas of green open space at the East end (the nature reserve) and at the North West side, where the higher open ground is being retained, will help alleviate this impact.

Comments on the Indicative Design: There are aspects of the indicative design which would benefit from adjustment and improvement so as to, in particular, help the road and development layout integrate more successfully with the ground forms and layout.

#### 5.21 Kent County Council PROW

No objection subject to conditions.

#### 5.22 NHS Property Services Ltd - Kent & Medway

A need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development is expected to result in a need to invest in the local surgery, Sellindge Surgery, which is within 1 mile of the development. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates:

- 1 bed unit at 1.4 persons

- 2 bed unit at 2 persons
- 3 bed unit at 2.8 persons
- 4 bed unit at 3.5 persons
- 5 bed unit at 4.8 persons

The contribution has been calculated as such:

Predicted Occupancy rates	Total number in planning application	Total occupancy	Contribution sought (Occupancy x £360)
Unknown	162	380	£136,800.00

Ashford CCG seeks a contribution of £136,800.00 plus support for legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

## 6.0 REPRESENTATIONS

6.1 Representation responses are available in full on the planning file on the Council's website:

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below:

- 6.2 Ten letters/emails have been received objecting on the following grounds:
- What provision has been made for long trucks of up to 60 metres long at the Royal Oak, Stone Street junction? If traffic lights and other street furniture are placed at the junction, lorries will not be able to negotiate it.
  - Completely out of keeping with local and neighbourhood plans.
  - No communication from developers.
  - Cheap and nasty development.
  - Over development of Sellindge - cumulative impact with other approved and forthcoming developments.
  - Ruin the uniqueness of the area and lead to loss of identity for Sellindge.
  - Lack of infrastructure to support the development such as schools, doctors, hospital places and roads.
  - Will increase traffic onto the A20 with more accidents and further tailbacks.
  - Occupants will need to travel to Hythe, Folkestone, Ashford for work congesting roads.
  - Increased air pollution from traffic detrimental to health.
  - Development next to a lorry park will be affected by diesel air pollution.
  - Development would be affected by high voltage cables and pylons running through site, detrimental to resident's health.
  - Drainage and sewage facilities in the area not suitable to accommodate development – area suffers from surface water flooding.
  - Within the countryside on good agricultural ground.
  - No need for any more houses in the area.

- 6.3 Eleven letters of support have been received and are summarised as follows:
- The development will provide much needed affordable housing to help local families get on the property ladder.
  - The electricity pylons and cables and lorry park would be a long way from the houses and would not be an issue.
  - Would provide immense benefits to the area which would transform the village.
  - Self build units are good idea.
  - Well designed and considered to bring much needed green links to the area.
  - Built on low grade land and not good agricultural land.
  - Better to have housing than an extended lorry park.

## **7.0 RELEVANT POLICY GUIDANCE**

- 7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1 and the policies can be found in full via the following links:

<http://www.shepway.gov.uk/planning/planning-policy/local-plan>

<https://www.shepway.gov.uk/planning/planning-policy/documents-and-guidance>

<https://www.gov.uk/government/collections/planning-practice-guidance>

- 7.2 The following policies of the Shepway District Local Plan Review apply: SD1, HO1, LR8, LR9, LR10, BE1, BE5, BE16, U2, U4, U13, U14, U15, TR2, TR5, TR11, TR12, TR13, CO11 and CO13.
- 7.3 The following policies of the Shepway Core Strategy Local Plan apply: DSD, SS1, SS2, SS3, SS5, CSD1, CSD2, CSD4, CSD5 and CSD9.
- 7.4 The following paragraphs of the National Planning Policy Framework are of particular relevance to this application: 14, 17, 47, 49, 58, 100, 109, 131, 143, 186-187.

## **8.0 APPRAISAL**

### **Community Involvement & Pre-application Discussions**

- 8.1 The planning application is supported by a Statement of Community Involvement (SCI) which provides a summary of public consultation carried out by the applicant prior to the submission of the planning application.
- 8.2 The applicants have undertaken pre-application consultation with the local community including two public exhibitions and meetings with Sellindge Parish Council. Consultation has also included discussions with local councillors, local residents, businesses, and interested organisations. In addition, a pre-

application meeting was held in August 2016 with officers from Shepway District Council to discuss the main policy issues and site constraints and opportunities.

- 8.3 A request for a screening opinion was made by the applicants on 12<sup>th</sup> August 2016 and a response was issued on 5<sup>th</sup> September 2016 confirming that it was the Council's opinion, based on consultation responses from relevant internal departments and external bodies, that an Environmental Impact Assessment was not required as it was considered that the proposed development is unlikely to have any significant impacts on the environment and any harm arising from the development could be addressed sufficiently through mitigation.

### **Relevant Material Planning Considerations**

- 8.4 The main considerations in the determination of this application are the acceptability of the principle of development in this location, whether the proposed development would promote sustainable patterns of growth having regard to its scale and size and access to local services and facilities especially whether there is sufficient capacity within Sellindge Primary School and local NHS surgeries to accommodate the development or whether the development can mitigate such impacts.
- 8.5 In addition, the visual impact of the development upon the landscape and the open countryside, amenities of local residents, ecology, trees, flood risk, highways and transportation matters, heritage and archaeology are also considerations and whether adequate mitigation is proposed to address any adverse impacts.

### **Background**

- 8.6 Following consultation within Sellindge on 'Preferred Options' in the summer of 2009 community feedback identified a number of improvements to the village that could be delivered alongside housing development on alternative land within the village.
- 8.7 In early 2010 Shepway District Council successfully bid to the Homes and Communities Agency (HCA, now Homes England) for Rural Masterplan funding for Sellindge, with Urban Initiatives commissioned to complete this study. The study aimed to provide a clear spatial vision for Sellindge to ensure growth in the village is sustainable and provides tangible benefits to existing and new residents, assessing development within a number of locations.
- 8.8 The report, 'Sellindge's Future' was produced in March 2011 and set out a vision for the growth of the village as well as opportunities for new development to support new and existing facilities within the area. The document details a thorough investigation and analysis of growth options for the village, formulated in conjunction with local residents, the Sellindge and District Residents Association and Parish Council before outlining a preferred masterplan for growth within the village.

8.9 The main principles of this development include:

- To create a new residential spine, running through the development parallel to the A20 to provide a continuous route through the new development and access to residential properties.
- To create a new village green public open space around the existing social activity of the village hall, primary school and GP practice.
- To create a pattern of streets and lanes with a rural quality which respects and responds to existing hedgerows, mature trees and water courses.
- To create perimeter blocks where the front of properties overlook the public realm and back gardens adjoin other back gardens.

8.10 The findings of the Sellindge's Future project and report were used to inform policy CSD9 of the Core Strategy, which underwent Examination in Public (EiP) before the Planning Inspectorate in May 2012 with a further hearing on modifications in May 2013 (which did not relate to the Sellindge proposals).

8.11 Following the publication of the Inspector's Report in June 2013 Shepway District Council adopted the Core Strategy Local Plan in September 2013. The Inspector concluded (para. 95) that "The location of the core development area responds to both the settlement's existing built form and the clear local wish to create a new village green/open space area in a central position. On balance, these elements of policy CSD9 are adequately justified".

8.12 Policy CSD9 of the Core Strategy identifies Sellindge 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.

8.13 Planning permission Y14/0873/SH was granted on 22<sup>nd</sup> January 2016 for the provision of 250 dwellings on land between the A20 and M20 at Sellindge for outline permission. In addition, the applicants Taylor Wimpey secured a site to enable the extension of Sellindge Primary School from ½ to 1 form of entry. This is Belvedere Cottage and its curtilage which lies immediately to the west of the existing school. Taylor Wimpey secured the option to purchase Belvedere Cottage and were prepared to make this available to KCC for the purposes of extending the school without requiring any land payment. This was secured by a section 106 which was also to prevent the commencement of development until a binding offer to transfer Belvedere Cottage to KCC has been made. The full detailed part of this permission (Phase 1) has not been implemented and the Council has not as yet received submission of the reserved matters applications pursuant to the outline approval of this development. Taylor Wimpey has confirmed to the Council that they have now taken title of Belvedere Cottage and will shortly be writing to KCC, as required by the s106 agreement as the first stage of the transfer of site.

## **Housing Need**

8.14 The adopted Core Strategy Local Plan (2013) sets out the housing delivery requirement of 7,000 dwellings for the district until 2026, which equates to a minimum of 350 dwellings a year, with a target of 8,000 (400 per year). Since the Core Strategy Local Plan was adopted, Shepway District Council has undertaken work to update the Strategic Housing Market Assessment (SHMA) in 2016/2017 to inform a review of Shepway District Council's planning policies through the Core Strategy Review, to ensure they are up-to-date and in conformity with the NPPF

(Strategic Housing Market Assessment Part 1 – Objectively Assessed Need):  
[https://www.shepway.gov.uk/media/4474/Strategic-Housing-Market-Assessment-2017/pdf/2017\\_08\\_08\\_Final\\_SHMA\\_Pt1.pdf](https://www.shepway.gov.uk/media/4474/Strategic-Housing-Market-Assessment-2017/pdf/2017_08_08_Final_SHMA_Pt1.pdf)

8.15 The Core Strategy Local Plan, adopted post-NPPF and following the revocation of the Regional Spatial Strategies (RSS), considered the RSS set target of 290 dwellings per annum over the period to 2026 and states that:

*“this is lower than the rate of delivery achieved in Shepway, which has been in the order of 300 to 500 dwellings in a year for most years between 1990 and 2006. Local evidence in the SHMA and SHLAA also suggested that future housing needs, and potentially, land availability were greater than identified in the South East Plan”.*

8.16 Although the Core Strategy Local Plan was adopted following the publication of the NPPF, the housing target was derived from an old-style SHMA which was carried out prior to the publication of the Planning Practice Guidance (PPG) and does not follow the required method within the NPPF. However, the PPG is clear that this does not necessarily render the housing targets out of date. With regard to housing requirements, the PPG states that:

*“Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs”.*

8.17 Regarding progress towards meeting the 2013 Core Strategy target, over the period 2006/07 to 2016/17 the total plan requirement is for a net additional 3,850 dwellings (11 years at 350 dwellings a year). Over this period the total number of homes delivered was 3,208, an undersupply of 642 homes. However, this largely reflects a reduction in housing completions following the recession. Work currently being undertaken for the emerging Places and Policies Local Plan indicates that completions from the current monitoring year (ending 31 March 2018) are likely to substantially reduce this deficit. The Council's housing land supply equates to 7.1 years against the adopted plan requirement of 350 homes per year.

8.18 Nevertheless, it is considered that significant new evidence has come to light since the adoption of the Council's adopted Core Strategy Local Plan in 2013. Specifically, the updated SHMA (2017) assessed the Objectively Assessed

Need (OAN) for housing in Shepway at 633 dwellings per year over the period to 2036/37 (14,560 dwellings) which reflects current housing need, although this has not yet been through the examination process. This number is significantly greater than that in the adopted Core Strategy Local Plan and also includes a market signals adjustment based on the most up-to-date evidence and statistical data. A review of the Core Strategy is taking place to ensure the district meets its housing need. The review will help ensure that the uplift in housing numbers can be accommodated within Shepway and that the jobs and infrastructure that the new homes will need can also be successfully delivered.

8.19 Further evidence base work to support the review of the Core Strategy has been undertaken by the Council through the commissioning of an independent Strategic Growth Options Study by consultants AECOM to review possible options for future growth, so as to establish a robust high-level spatial strategy that can be carried forward in the development of planning policies as the central element in the partial review of the Core Strategy to meet the growth identified in the updated SHMA.

8.20 The Strategic Growth Options Study that has been undertaken comprises three elements: a High Level Options Report, a Phase Two Report and a High Level Landscape Appraisal that informs both the High Level Options Report and the Phase Two Report. The Phase Two report builds on the evidence presented within the High Level Options report to set out the final conclusions of the Strategic Growth Options Study. The Phase Two report identifies land in the district which is suitable for strategic-scale development and includes the application site, named Area A in the report. The report concludes:

*“it is considered that there is one parcel of land within Area A suitable for strategic-scale development. It seems suitable on the transport, landscape, infrastructure, heritage, economic development potential and spatial opportunities and constraints criteria. This parcel of land is located to the east of Sellindge and would comprise an expansion of the existing settlement. However, it is of a small enough scale to maintain the identity and character of Sellindge as a free-standing village, through avoiding, for example, coalescence with other settlements”.*

8.21 It is concluded that the up-to-date evidence base, comprising the Council's updated SHMA and the objectively assessed need figure of 633 dwellings per annum, which specifies the housing need of the District to 2036/37; coupled with the independently-prepared Strategic Growth Options Study that defines where, in spatial terms, land considered suitable for strategic-scale development is to be located has been used to inform the policy formation for a partial review of the adopted Core Strategy Local Plan and are material considerations in decision taking. The District Council is to go out to Regulation 18 consultation on the Core Strategy Review in Spring 2018. Therefore, whilst the emerging Core Strategy Review is based on an extensive evidence base reflecting updated development requirements for new homes in the district it is a material consideration of limited weight in decision taking.

## Five Year Housing Supply

- 8.22 The NPPF is a key consideration, particularly with regard to the national planning priority to boost significantly the supply of housing to meet identified needs in paragraph 47 which states that local planning authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.
- 8.23 Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development, stating that for decision-taking this means where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. An appeal in Wychavon (ref: APP/H1840/W/15/3005494) saw the Inspector reach the following conclusion: *“It is agreed between the parties that the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply.”* The development was allowed.
- 8.24 In recent appeal decisions, Inspectors have increasingly been concluding that housing need carries enough weight for a development to be permitted even where a local authority can demonstrate a five-year supply of housing land, as required by paragraph 49 of the NPPF. The Secretary of State called-in an appeal in Cherwell (ref: APP/C3105/A/14/2226552) and allowed permission for 54 homes where the application had been refused on the grounds that Cherwell could demonstrate a 5 year housing supply and their neighbourhood plan resisted developments larger than 20 homes. However, the Secretary of State responded stating the following: *“The proposal would be sustainable development and paragraph 187 of the Framework states that decision takers should seek to approve applications for sustainable development where possible.”*
- 8.25 A further appeal in Shropshire (ref: APP/L3245/W/15/3001117) saw 215 homes allowed outside the settlement boundary on the grounds that the proposal constituted sustainable development and generally accorded with the development plan. The Inspector identified that they could demonstrate a healthy 5 year housing land supply but also conceded that: *“the existence of a 5YHLS is no impediment to the grant of permission for the development in view of the foregoing conclusions in its favour.”*
- 8.26 There are examples where national housing need rather than that of the local housing market area has been cited as a reason for approval. For example,

in February 2016, the Secretary of State upheld the conclusions of an Inspector who allowed 605 homes at Ashby-de-la-Zouch in Leicestershire (ref: APP/G2435/A/14/2228806). North West Leicestershire was able to demonstrate a five-year supply of housing land, but the Secretary of State noted that his decision was supported by the fact that '*local planning authorities must also plan for housing supply beyond the five year period, [and] that there is also a current national imperative to boost the supply of housing*'.

- 8.27 These appeals are evidence that the existence of a 5 year housing land supply, to which Shepway District Council can demonstrate against the adopted Core Strategy requirements, does not preclude new sustainable development as the NPPF seeks to significantly boost the supply of housing and approve applications for sustainable development where possible. As such, consideration must be given to the suitability of the development against the overarching requirements of the development plan and NPPF and a balance made between this and the conflict with policy CSD9 of the Core Strategy Local Plan that identifies Sellindge as suitable for up to 250 dwellings within the broad location policy allocation.

### **Principle of Development**

- 8.28 Policy SS3 in the Core Strategy (2013) identifies Sellindge as a Rural Centre in the Settlement Hierarchy. Rural Centres are able to develop consistent with enhancing the natural and historic environment in a manner that supports its role as an integrated tourist and local centre providing shops and services for a significant number of residents, visitors, and also for other villages in the North Downs. Paragraph 4.67 of the Core Strategy states that Rural Centres 'are larger or better-served rural settlements within their character area, and as a group of locations there may be potential, subject to further examination of environmental impact, for modest expansion from their current built limits to meet rural development needs.'
- 8.29 More specific to the North Downs Area, paragraph 5.142 states that 'in accordance with the strategic aims of the Core Strategy development, should enhance the identity and profile of settlements and environments in this rural area through expanded local public open space and village services, additional employment, and contributing to the identified housing growth need of Shepway.' The subsequent paragraph 5.143 focuses down on to the Sellindge area and states 'The southwest of the North Downs, outside of the AONB, may now require the greatest intervention to ensure sustainable development of the district. Sellindge, Lympne and Stanford are located in close proximity to highway and rail infrastructure but may benefit from additional local facilities, especially those that help foster the coherence of individual communities.'
- 8.30 The Shepway Core Strategy (2013) policy CSD9 (Sellindge Strategy) establishes the principal of major residential-led development at Sellindge within a broad location. Figure 5.8 within the Core Strategy, although indicative, shows the proposed application site as an alternative for possible supporting residential development to the 'core area'. In line with Policy CSD9,

criteria a) the proposal has been comprehensively master planned following public engagement and the full area has been included within the application. The application follows the outline approval of application Y14/0873/SH which addresses the 'core development area' and is expected to commence on site imminently. As such it is considered that the application site will be developed in parallel and therefore will not impede the delivery of the core area as specified by criteria b). The application proposes 30% affordable housing will be provided, as required by criteria c). The provision of a village green referred to in criteria d) is location specific and is being delivered as part of core development area. In addition, the Policy states at criteria f) that proposals must include satisfactory arrangements for the timely delivery of necessary local community facilities including a primary school extension and provision of allotments. It is understood that the applicant has secured the land required to facilitate an expansion to the local school and is prepared to gift this in addition to making a financial contribution to its construction. The timing is to be set out in an accompanying S.106 legal agreement. Allotments have been identified as part of the core development area; however these are not included as part of the hybrid application Y14/0873/SH. It is therefore considered that this proposal would help to meet the mix of necessary local facilities for Sellindge identified by policy CSD9 alongside the development to the south of the A20 and core development area.

- 8.31 In addition to policy CSD9, at either end of the broad location the Sellindge Strategy identifies (in Figure 5.8) areas of integration to the countryside, one of which is on the eastern extent, which forms this application site. It is considered that the application addresses this requirement through the inclusion of a nature reserve and landscape buffers. The AONB unit and Kent Wildlife Trust have also given their support to these measures. Furthermore Figure 5.8 identifies an arc to the southeast of the broad location for employment uses, part of which falls within the application site.
- 8.32 The 2017 Employment Land Review (ELR) highlights the spatial distribution of the Districts employment land as being heavily concentrated around Folkestone with some smaller clusters in key settlements at Hythe and New Romney; only 3% of all B Class Uses is located in the North Downs Character Area. This is due to the effect of the AONB limiting economic development in this part of the District. It is considered that the provision of circa 900 sqm B1 Class uses presents an opportunity to further support the creation of a sustainable settlement at Sellindge, providing much needed new modern B class employment space, supporting the rural economy; and making best use of land close to the motorway, positioned within the corridor created between it and the high voltage pylons and thus sterilised for residential purposes.
- 8.33 The emerging Core Strategy Review seeks to allocate the application site under an expansion of the broad location in accordance with policy CSD9. The draft policy change to CSD9 introduces a Phase 2 of housing for Sellindge, over and above the Phase 1 housing, which comprises a broad location for development in the adopted Core Strategy (2013). The application site forms one of two development areas that jointly comprise Phase 2. The draft CSD9 policy wording contains a set of key development criteria for Phase 2 and a set of key development criteria that apply to all identified development

in Phases 1 and 2. It is considered that this site accords with the Council's future vision and development strategy for Sellindge. In addition, through the land and financial contribution to Sellindge Primary School the application scheme is meeting a key development requirement for Sellindge. Whilst this policy represents the emerging vision of the Council and its approach to meeting identified housing need, it has not been subject to public consultation nor examination and therefore has limited weight as a material consideration in decision taking.

8.34 The Council's updated SHMA identifies that the housing needs of the district are significantly greater than the requirements of the adopted Core Strategy Local Plan 2013, and therefore the Core Strategy Review and the proposed sites within it set out the spatial strategy the district is seeking to deliver to meet this need. This site would positively contribute to housing supply which, when seen in the broader context at the national level the NPPF seeks to "significantly boost" the supply of housing, and paragraphs 186-187 endorse the approval of schemes judged to represent sustainable development, and the approval of such schemes can proceed even where a Local Planning Authority can demonstrate a 5 year housing land supply.

8.35 It is acknowledged that the emerging Local Plan process is within its early stages however the site is in line with emerging policy requirements and the evidence base behind this allocation, identifies this site as being within a sustainable location adjacent to the existing Sellindge village and where future growth could be directed, maintaining Sellindge as a Rural Centre within the settlement hierarchy. It is therefore considered that the evidence provided, the broad compliance with wider development plan policies and the requirements of the NPPF offers suitable justification as a material consideration for the development of the application site in order to ensure identified housing need is met within the district.

### **Agricultural Land Classification**

8.36 The NPPF requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).

8.37 The adopted Core Strategy (2013) states in policy SS2: Housing and the Economy Growth Strategy that, to promote sustainable development and prioritise urban regeneration, a target is set for at least 65% of new dwellings to be provided on previously developed ('brownfield') land by the end of 2030/31. The emerging Places and Policies Local Plan allocates a range of brownfield sites in the Urban, Romney Marsh and North Downs Areas, having assessed potential development sites through the Strategic Housing Land Availability Assessment (SHLAA) process whilst the adopted Core Strategy includes strategic allocations on previously developed land at Folkestone Seafront, Shorncliffe Garrison and the former Romney Marsh Potato Company site.

- 8.38 The emerging Core Strategy Review takes account of committed development provided through planning permissions and existing allocations and identifies proposed strategic site allocations to meet remaining development needs. A comprehensive assessment has been undertaken to identify sites and this is set out in the Shepway District Growth Options Study (AECOM, High Level Options Report, 2016 and Phase Two Report, 2017). Through this assessment, and site assessments undertaken for the 2013 Core Strategy and emerging Places and Policies Local Plan, brownfield opportunities have been investigated and, where available and deliverable, brownfield sites have always been prioritised for development. In addition, adopted and emerging development plan documents include an allowance for 'windfall development' (small brownfield sites that continue to come forward for development outside the development plan process), which has been deducted from the District's development targets. Nevertheless, taking account of these sites and the windfall allowance, there is still an unmet housing requirement to meet the needs of the recent SHMA that must be met through the allocation of greenfield sites in the Council's emerging plans.
- 8.39 The Council's High Level Landscape Appraisal (HLLA) states that although most of the application site comprises Grade 2 agricultural land much of the Grade 3 land that does exist, (which is a preferable location for development) is already occupied by the village of Stanford or lies very close to the southern boundary of the AONB, meaning that it is in any case less suitable in terms of the spatial opportunities and constraints of those sites and the landscape impact respectively. As such, the pattern of agricultural land grading within the application site does not provide a strong guide in terms of which locations would be relatively more suitable for development. The HLLA goes on to state that the limited suitability of the application site, to the east of Sellindge, on the grounds of agricultural quality is considered to be outweighed by its suitability on a range of other criteria. As such, the loss of agricultural land is considered to be outweighed by the requirement to deliver sustainable development.

### **Landscape Visual Impact**

- 8.40 Policy BE16 requires development proposals to retain important existing landscape features and make appropriate provision for new planting using locally native species of plants wherever possible. Policy C05 states that proposals should protect or enhance the landscape character and functioning of Local Landscape Areas unless the need to secure economic and social well-being outweighs the need to protect the areas local landscape importance. Policy CSD4 of the Shepway Core Strategy recognises the importance of the AONB and its setting stating the need for conservation and enhancement of natural beauty in the AONB. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 8.41 The Kent Downs AONB Management Plan 2014 to 2019 advises that the weight to be afforded to setting issues will depend on the significance of the

impact with matters such as the size of the development, distance and incompatibility with their surroundings likely to affect the impact.

- 8.42 The designated area of the Kent Downs AONB lies approximately 1.25km north/north east of the application site, thus the site forms part of the setting of the AONB by virtue of the scale of the development, proximity to the AONB boundary and would be potentially visible in views from the AONB.
- 8.43 The south of the site covers the area of collapsed cliff forming the Lympe Escarpment (to the North of the Romney Marsh). To the north and east, the Postling Vale and Sellindge Plateau Farmlands, an area of mixed agriculture, hedges and remnant woodlands, extends right up to the scarp of the Downs (Elham East Kent Downs), from which there are magnificent views south towards Romney Marsh and to the west. Farthing Common, located where Stone Street drops down from the Downs, provides the best public viewpoint and is about 2 ½ km North of the proposed site.
- 8.44 Natural England's Countryside Character Map identifies the Site within the Wealden Greensand Area. At the county level the Kent County Council Landscape Character Assessment notes that the overall condition of the landscape is poor, with the landscape described as fragmented with many detractors associated with road and rail transport corridors, linear development and agricultural buildings and poor tree cover. The Sensitivity is considered to be moderate given the high visibility.
- 8.45 The Landscape Parameter Plan, which can be controlled by condition, has been revised in response to comments from the Council's Arboricultural and Landscape and Design officers, the Kent AONB unit and Natural England, to retain existing landscape features including mature trees, hedgerows, ditches and ponds and required additional information on additional viewpoints within the AONB and further viewpoints via a Zone of Theoretical Visibility. In addition, an addendum to the submitted Landscape Visual Impact Assessment has been submitted to provide further justification to the conclusions reached in the LVIA with regard to the impact of the development on the AONB particularly with regard to the north end of the site at its highest point.
- 8.46 The area of farmland to the east of Sellindge possesses an attractive landform and the arrangement of fields and field boundaries remains unchanged from the c19th (except where cut by the railway and M20 motorway). The form and arrangement of the fields on the hillside within the site would suggest a far more ancient arrangement of Manorial Fields dating back to the Middle Ages. The development will be visible from many local views of the site and in more distant views, particularly from Farthing Common. The proposed layout of the site, with large areas of green open space at the east end (the nature reserve) and at the north west side, where the higher open ground is being retained, will help alleviate this impact. The proposed engineered access junction will remove some of the woodland along the frontage of the site however, replacement planting either side of the proposed entrance could be controlled by condition.

- 8.47 The conclusions of the applicants LVIA and addendum are that through the effects of distance and an undulating topography and intervening vegetation structure, the development will not be readily perceived from within the AONB and will not result in significant harm to the visual environment of the AONB. Therefore, the proposed development can be integrated in this location and would not significantly alter the character of the area.
- 8.48 The Kent Downs AONB unit have been consulted and consider that the submitted addendum to the LVIA provides a satisfactory assessment of the impact of the development on the AONB and recognise that whilst the application is submitted in outline, care must be taken over orientation and layout with a maximum height of 2 storeys, provide significant tree planting to mitigate the impact of views from the AONB, use non-reflective materials and colours, careful use of street lighting and external lighting to avoid light pollution and the need for high quality, and quantity, of green infrastructure throughout the development. The incorporation of the nature reserve and woodland buffer along the northern edge of the site is welcomed as is the linear area of public open space running east west between the recreation ground and nature reserve. It considers it imperative that the revised indicative landscape parameter plan is carried through to any future reserved matters application.
- 8.49 Natural England have been consulted and consider that the additional viewpoints submitted provide a better representation of views of the proposed development from the AONB from which it is clear that the development would be visible in part from few locations within the AONB. It would be most visible from south of Farthing Common car park within a substantial, wide landscape vista. Natural England conclude, therefore, that the proposals are not likely to have a significant visual impact on the setting of the AONB.
- 8.50 As such, it is concluded that although the wider setting of the countryside and AONB will be altered, it is likely that the proposed development would have a less than substantial impact on the natural and local environment and the intrinsic character and beauty of the AONB and open countryside and therefore complies with development plan policy and the NPPF in this regard.

### **Design and Layout**

- 8.51 Policy BE1 of the Shepway District Local Plan Review states that a high standard of layout, design and choice of materials will be expected for all new development, sympathetic to the local vernacular and in keeping with the existing building form, mass and height.
- 8.52 Core Strategy Policy SS3 (Part C) states that proposals should be designed to contribute to local place-shaping and sustainable development by conserving and enhancing all heritage assets. Part D of this policy states that a design-led and sustainable access approach should be taken to density and layout, ensuring development is suited to the locality and its needs and transport infrastructure.

- 8.53 Paragraph 17 of the NPPF states that Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people. Paragraph 58 states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 8.54 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 8.55 As the application is outline with all matters reserved for future consideration except for access, the submitted revised masterplan layout is indicative of what could possibly be achieved on the site. The proposed layout uses the existing landscape features and constraints to dictate the general layout and is shown to protect and retain the existing landscape resources including the most important trees of quality subject to TPO's and historic hedgerows within the site incorporated within the housing layouts as 'green fingers' through the built up areas.
- 8.56 The site would be served by a main access from Ashford Road, incorporating a fully engineered junction, with a main access road which branches off approximately 100m into the site to the east providing an access to the commercial development to the south of the site where 929m<sup>2</sup> of B1 business space units would be located with an area for parking, located between the access road and the line of overhead pylons. An area of landscaped ground under the line of pylons would separate the business development from the housing to the north where a rectangular area of allotment plots would be situated.
- 8.57 The main access road runs up the western side of the site serving the residential portion of the site which apart from market housing would include bungalows, retirement housing, self-build sites and affordable housing. The main access route is shown to diverge away from the rear of the plots of Rhodes House and Little Rhodes and leaving a large area of the highest ground nearest the ridge as a recreation ground which would act as a buffer to the existing residential development providing a green focal hub and pleasing views from the main access road, overlooked by houses from the eastern edge. The road continues a circuit around the centre of the site with new houses mostly within the road but with an additional area of land laid out a second loop up at the North end of the site. A footpath line is intended which

would encircle the whole site. It is disappointing that there are no pedestrian connections to Swan Lane proposed, particularly at Homelands Close and whilst this isn't considered to be a reason for refusal, an informative would be applied to request that every effort should be made to deliver improved pedestrian connectivity via this route ahead of the submission of future Reserved Matters applications to allow better connectivity to and from the development to the village and in particular facilities at the Sellindge Sports and Social Club.

- 8.58 The line of the north-south water course crossing the site in a shallow valley would be retained and this contains the development area to the west of it. To the east, the triangular field at the eastern end of the development is retained as a nature reserve together with the woodland strip alongside the stream, which runs along the South East boundary.
- 8.59 Indicative additional planting is included along the line of the pylons, along the length of the north-south stream, along the north-east boundary with the farmland at the junction with the existing village development and along the perimeters outside of the garden plots of Rhodes House and Little Rhodes, boundaries which are already sheltered by extensive planting within the garden plots, already visually separating them from the site beyond.
- 8.60 The indicative masterplan identifies a coherent and well developed movement network, layout and landscape structure. Future Reserved Matters application/s would need to provide full details of layout, scale, appearance and landscaping however it is considered the indicative masterplan demonstrates that the site can accommodate a layout that could be suitable in design terms.

## **Highways**

- 8.61 Policy TR11 of the Shepway District Local Plan Review sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access. Policy TR5 refers to the provision of cycle storage facilities and TR12 refers to car parking standards.
- 8.62 Criteria (e) of policy CSD9 of the Shepway Core Strategy states that development should deliver a more pedestrian/cycle-friendly A20 through (as a minimum) informal traffic calming features at key locations, and perceived narrowing of the carriageway outside Sellindge primary school and associated highways improvement.
- 8.63 The application site is located approximately 4.1km from the nearest railway station at Westernhanger to the east which serves Kent and provides services to London Charing Cross and changes at Ashford to London St Pancras via Ebbsfleet and Stratford. The village is served more directly by the existing frequent half hourly 10/10a (Folkestone-Hythe-Sellindge-Ashford) Monday to Saturday service and the less frequent 18a (Hythe-Canterbury) service.
- 8.64 The application has been supported by a detailed Transport Assessment and additional Transport Technical Note, which consider the traffic and

transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site and other relevant committed development sites. The committed Taylor Wimpey development within the centre of the village Y14/0873/SH would deliver street improvements to achieve a better balance between pedestrians/cyclists and motor vehicle traffic, which dominate the public realm to the detriment of the amenity of its village and occupants. The works comprise of:

- Introducing a reduction from 40mph to 30mph speed limit within the defined area (A20 improvement scheme is as shown on drawing 2013/1673/009 Rev B dated November 2014 prepared by RGP with the consented scheme at 'Land Adjacent The Surgery Main Road Sellindge' under reference Y14/0873/SH. The scheme extends from a point south of 'Meadow Grove', eastern extent, to a point immediately east of the access that serves 'Grove House', western extent).
- Provision of gateway treatments at the western and eastern ends of the scheme.
- Narrowing of the carriageway to 6.1 metres from between 7.3 metres – 9 metres.
- Introduction of 3 metre wide shared footway/cycleway on north side of the A20.
- Introduction of 2 metre wide footway on south side of the A20.
- On street parking laybys.
- Zebra crossing outside of primary school.
- Zebra crossing outside local centre.
- 3 T-Junctions to access the proposed residential land to the south of the A20.
- Improved bus stop provision.

8.65 The Transport Assessment sets out how the proposed development would build on these measures and recommends additional measures that would be necessary to accommodate additional traffic and pedestrian flows. The proposed main access junction to the site would be designed as a priority junction with a right turn bay on the A20 with relocated bus stop location (from that to be delivered by the Taylor Wimpey development) and separate emergency access. The junction visibility is based on a 30mph speed on the basis that the traffic calming scheme is implemented within the village through the Taylor Wimpey development. As such, the general thrust of the submitted Transport Assessment would indicate that the proposed development, if granted permission, could only be implemented after the Taylor Wimpey development is built out and highway mitigation measures completed. The Taylor Wimpey development seeks to gain Vacant Possession of the land adjacent to Sellindge Primary School imminently and once this takes place Taylor Wimpey hope to start works on the highway improvements in December 2018.

8.66 With regard to trip generation and traffic flow, the Assessment takes the following committed development into consideration:

- Y14/0873/SH – Taylor Wimpey development to the south of the A20 within Sellindge village to provide 250 dwellings, village green, and mixed use centre.
- Y06/0552/SH – 52,000sqm of employment floor space on Otterpool Lane, Lympne.
- Y06/1079/SH – Ward Homes site at Nickolls Quarry Hythe for 15,000sqm employment floor space, 1050 dwellings and a local centre.
- Consideration has been given to Operation Stack site at Stanford, however, its impact is considered to be negligible on the basis that access would be provided via a new slip road from the M20.

8.67 Junction capacity testing has been undertaken to assess the impact of the additional traffic flows on the function of the following junctions:

- Site access/A20 Main Road
- Swan Road/A20
- A20/A261 Hythe Road/Stone Street
- Otterpool Lane/A20
- M20 junction 11

8.68 The modelling shows that the Swan Road/A20 junction would operate within sufficient capacity. The A20 Stone Street junction would operate within capacity on all arms in both peak periods. The site access junction with the A20 would have sufficient capacity to accommodate the traffic from the proposed development. The Otterpool Lane/A20 junction would also operate within sufficient capacity to accommodate future growth and the proposed development. The A20/Stone Street/M20 junction 11 would also have sufficient capacity to accommodate future growth and the proposed development. However, the A20/A261 Newingreen junction would not have sufficient capacity to accommodate future growth with or without the proposed development and mitigation is required.

8.69 The mitigation originally proposed was to provide a priority layout for Hythe Road/A20 to a traffic signalised junction and includes the priority junction of Stone Street/A20 and the interaction between them both. This would provide sufficient capacity for identified future growth and committed development in the area plus the proposed development. However, a representation has been made from a local steel manufacturing business which confirms that they use 50m to 60m long trucks which travel through the A20/A261 Newingreen Junction from their depot at the Lympne Industrial Estate and would not be able to negotiate the signalised mitigated junction. In response to this issue, the applicants have submitted a Technical Note to consider localised mitigation of the A261 Hythe Road/A20 Ashford Road Newingreen junction using a nil detriment approach by comparing the future base case model with the development flows included. Adjustments to the flare length on the exiting arm of the junction are now proposed incorporating alterations to the southern kerb of the A261 Hythe Road with available road space for large cars to queue two abreast for a queue length 23m. The proposed changes to the existing kerb would be within the extent of the adopted highway. The junction capacity analysis concludes that the junction would operate within capacity for the “with

development” scenario in the PM peak for the existing layout and for the amended mitigated layout.

8.70 KCC Highways have been consulted and raise no objection to the proposed mitigation solution, proposed site access layout and highway alterations to the A20 in the vicinity of the site and have all been supported by revised plans and necessary safety audit information. However, the revised layout of the A20, materials palette and acceptance of visibility splays for a 30mph speed limit are all dependant on the Taylor Wimpey site carrying out their conditioned highway alterations to the A20. The supporting information states that if the Taylor Wimpey site has not carried out their obligation in regards to the A20 highway improvements, then these items will be taken forward by this proposal. These highway improvements would be secured by condition by referencing the drawings of the A20 improvement (prepared as part of the Taylor Wimpey scheme) within a worded condition to be agreed by KCC Highways. A second condition that deals specifically with the formation of the site access arrangement for this application which explicitly states that the site access cannot be formed until such time that the A20 improvement scheme has been implemented to the satisfaction of the local highway authority would also be applied. If the Taylor Wimpey development came forward and implement the A20 highway improvements before this development, as expected then these conditions would act as a failsafe to ensure suitable access can be provided to the site.

8.71 Turning to public transport, the Transport Assessment does capture the point that the pair of bus stops that are currently to the frontage of the Co-op store are to be moved further south, thereby benefitting future occupiers of the application site whilst the approved permission for Y14/0873/SH includes the funding of further bus services.

8.72 On a minor technical issue raised by KCC Highways in relation to traffic generation figures from the application site regarding concerns that the TRICS data used are different in scale from the proposals and thus are not appropriate comparisons to draw from. This matter has not been addressed by the applicants. However, KCC Highways have advised that a more appropriately sized selection of sites could well reduce the trip rate associated with the proposed development rather than increase it, thus is not a significant matter of concern.

### **Neighbouring Amenity**

8.73 Policy SD1 of the Shepway District Local Plan Review states that all development proposals should safeguard and enhance the amenity of residents.

8.74 Paragraph 17 of the NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.75 The residential properties most affected by the proposed development would be those to the east side of Swan Lane, Whitehall Way, Lourdes Manor Close and Homelands Close.
- 8.76 The impact upon surrounding residential amenity will be very limited due to the separation distance of the built up area of the site from the nearest residential properties and the presence of mature trees and vegetation surrounding the site. Whilst a number of objections have been received with regards to the impact upon residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.
- 8.77 The applicants have undertaken an Air Quality Assessment to assess both constructional and operational impacts of the proposed development. In terms of the construction phase, the Assessment concludes that prior to the implementation of appropriate, mitigation measures such as dust suppression set out within a Dust Management Plan and that the risk of impacts from the construction phase has been assessed as 'negligible'.
- 8.78 With regard to the effects of the proposed development from traffic associated with the development, ADMS Roads dispersion modelling has been carried out to assess the suitability of the site for residential development considering local air quality and levels of nitrogen dioxide concentrations and particulate matter, mainly as a direct result of the impact of additional vehicle movements primarily on the A20 and M20 roads. The assessment concludes that the significance of nitrogen dioxide exposure and particulate matter exposure would be well below the relevant objectives across the site. Future occupants of the site would not be exposed to pollutant concentrations above the relevant objective limits, therefore the impact of the proposed development with regard to new exposure to air quality is considered to be negligible.
- 8.79 Traffic generated by the operational development would result in a negligible impact on both NO<sub>2</sub> and PM<sub>10</sub> levels with concentrations remaining at less than 75% of the objective limits at all selected receptors.
- 8.80 The impact of the development could be further mitigated by planning conditions/s106 to reduce the reliance on car use, promote alternative modes of transport and provision of pedestrian paths into surrounding sites and routes. As such a Travel Plan should be secured via s106 for the development.
- 8.81 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of an appropriate glazing and ventilation strategy as set out in the submitted noise assessment.

8.82 Environmental Health have been consulted and raise no objection to the conclusions of the assessments. As such, subject to conditions, it is considered that the proposed development is not likely to result in an unacceptable impact on existing or future residents in respect of additional noise, or air quality.

### **Ecology & Arboriculture**

8.83 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity where possible and Policy C011 of the Shepway District Local Plan Review states that planning permission will not be granted for development if it is likely to endanger protected species or cause the loss of, or damage to, habitats and landscape features of importance for nature conservation, unless;

- i. there is a need for development which outweighs these nature conservation considerations and
- ii. measures will be taken to minimise impacts and fully compensate for remaining adverse affects.

8.84 The habitat on site is predominantly arable farm land which provides limited ecological benefits, however there are features of ecological interest, especially around the periphery of the site. The submitted ecological report outlines that a single species rich hedgerow (H1) and a block of woodland (W2) will be lost through the development, and therefore, compensatory planting will be provided. The revised masterplan shows that hedgerow (H1) will now be retained and the majority of habitats of interest will be retained through the development and protected during construction.

8.85 Bat activity surveys have been carried out with low levels of bat activity recorded. The report states that the development will not negatively impact any foraging or commuting areas for the on-site bats. Survey work has been undertaken on the trees present on site with bat potential and these trees have been subjected to detailed inspection work and downgraded to low bat potential appropriately. One tree has been subjected to a bat emergence survey, with no bats found. Mitigation measures are proposed to include updated surveys if more than 12 months pass since after first inspection, soft felling of trees and ecological watching briefs. With regard the impact of lighting on foraging and commuting, the submitted ecological report outlines the retention of dark corridors within the site, and if implemented, will provide exceptional ecological benefits.

8.86 The KCC Ecology officer considers that these measures should be secured via conditions along with the recommended measures for subsequent species and a lighting strategy adhering to the Bat Conservation Trust's Bats and Lighting in the UK.

8.87 Reptile surveys have been undertaken with low levels of common lizards and slow worms being recorded. As these populations are small and restricted to mainly retained habitats around the periphery of the site, precautionary

mitigation measures have been provided to include a habitat manipulation exercise involving a staged clearance of vegetation within areas of potential reptile habitat during suitable weather conditions under ecological supervision followed by a supervised destructive search to remove remaining area of habitat. Any reptiles encountered during these works would be moved to suitable areas of reptile habitat within the surrounds of watercourse WC1 and the methodology set out within a detailed method statement produced prior to works commencing and secured by condition. KCC Ecology consider that the recommended mitigation measures are appropriate to ensure that there will be no detrimental impact to these species.

- 8.88 The applicants have submitted a badger survey report which has found that the site accommodates 4 badger setts within and bounding the site. Sett S1, located within the far east of the site, was recorded to consist of 9 entrances in total during the April 2015 survey, of which 6 were considered to be active and considered to be of high importance and unaffected by the development. Sett S2, located to the south-west of sett S1 along the southern boundary of the site, was recorded to support 5 entrances during the April 2015 survey and considered to be of low importance and unaffected by the development. Sett S3, located along hedgerow H2 (section E), was recorded to support a single entrance of a size and shape typical of use by Badger during the April 2015 but not during the July 2016 survey where this section of hedgerow was covered in dense nettle growth and is considered to be of low importance and affected by the development. Sett S4, located mid-way along hedgerow H4, was not recorded to be present during the initial survey work in April 2015, but was identified during site work in June 2016. This sett was recorded to support 4 entrances, all of which were recorded to be clear of debris and supporting fresh spoil heaps and considered to be medium to high importance and affected by the development.
- 8.89 The submission of a revised masterplan includes retention of hedges H2 and H4 where setts S3 and S4 are situated. However, the applicants ecologists have responded to confirm that the impact of the proposed development on these setts will not change and thus the following proposed mitigation is unchanged:
- 8.90 Sett 3: Works within the vicinity of sett S3 are carried out under a disturbance licence from Natural England, with implementation of safeguarding measures as detailed below. Should works be required within the 20m buffer zone, consideration will be given to the need for closure of the sett prior to the commencement of works. A full accompanying mitigation strategy, method statement and survey report to accompany a licence application to include the clear marking out and protection of a 20m 'Badger Exclusion Zone' around the sett, with works within the near surrounds to be carried out under an ecological watching brief.
- 8.91 Sett 4: Require full closure prior to the start of works to permanently exclude Badgers from the sett through obtaining a licence from Natural England. As with the disturbance of sett S3 above, a full accompanying mitigation strategy, method statement and survey report to involve the installation of ground proofing / fencing and one-way gates on the sett entrances, and monitoring

for a minimum period of 21 days to ensure Badgers have been excluded from the sett followed by digging out or infilling the tunnels.

- 8.92 KCC Ecological Advice Service has been consulted on the strategy and has responded to confirm that measures to retain Sett 3 and provide a 20m exclusion zone is acceptable. However, it is not clear if the mitigation strategy for the removal of Sett 4 involves any compensatory measures to provide an artificial sett and if this is achievable. If it is a main sett then compensatory measures would be required. As such, it is considered that it is not possible to fully assess the impact the proposed development would have on badgers.
- 8.93 The application involves the removal of a number of trees and hedge line to facilitate the main access entrance junction to the site, and removal of trees within the site to facilitate development. The application would be conditioned to ensure that trees and planting were replaced on either side of the entrance into the site. The revised landscape masterplan shows that the historic hedgelines within the centre of the site would be retained together with many of the trees which spread along their lengths.
- 8.94 A Tree Preservation Order (no.5 1989) designation exists on an off-site group of trees within influence of the north western boundary. A recent TPO designation (no.16, 2016) is to protect trees to the area site entrance and six other groups to the north and west of the site. Thus the revised layout would predominantly retain most of that set out within the TPO except for the removal of several trees to facilitate the main site entrance from the A20 and a small group of trees to the north of the site. Compensatory measures are proposed with the provision of significant tree and native species planting throughout the site and the creation of green fingers within the proposed built up areas. The Council's arboricultural officer has been consulted on the revised layout and raises no objection to the proposed development subject to conditions.

### **Enhancements**

- 8.95 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The development includes the creation of a dedicated wildlife nature reserve which has the potential to provide exceptional benefits for biodiversity. This nature reserve includes the creation of large amounts of woodland, grassland and species specific enhancements.
- 8.96 Other enhancements include the creation of green corridors and other open space shown on the landscape strategy plans are proposed creating habitat linkage within and around the site, management of the watercourse vegetation to maximise its ecological potential, new hedgerow, tree and shrub planting with native species, enhancement of attenuation basins providing opportunities for a range of wildlife, amphibians and aquatic invertebrates allowing the development of a complex invertebrate community to form a food source for birds and bats, the retention of dead wood on-site for hibernating reptiles would be supplemented by the creation of log piles made up of logs

and bat roosting features and bird nesting boxes would be incorporated into the proposed development.

8.97 It is considered that there is a need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity and the creation of any SUDS scheme has potential to provide ecological benefits as well as drainage benefits and their design should have full consultation with an appropriately qualified ecologist, secured as a condition requiring the submission of a Landscape and Ecological Management Plan.

8.98 In conclusion, KCC Ecology considers that the submitted ecological information to support this outline application is sufficient subject to conditions and no further information is required in order to determine the application.

### **Flooding/Drainage/Contamination**

8.99 Policy SS3 of the Shepway Core Strategy Local Plan states development located within zones identified by the Environment Agency as being at risk from flooding, or at risk of wave over-topping in immediate proximity to the coastline, site-specific evidence will be required in the form of a detailed flood risk assessment to demonstrate that the proposal is safe and meets with the sequential approach within the character area of Shepway and (if required) exception tests set out in national policy. It will utilise the Shepway Strategic Flood Risk Assessment (SFRA) and provide further information.

8.100 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

8.101 The application site is located within Flood Zone 1 and thus is therefore at little to no risk of fluvial flooding and there are no historic records of flooding within the watercourses to the east of the site according to the EA flood mapping. There is no requirement therefore for sequential and exception tests.

8.102 With regard to surface water flooding, this mainly occurs along the water courses to the south eastern corner of the site but where no housing is proposed. The risk of surface water flooding at the site is, therefore, assessed as low. The surface water strategy (SUDS) for the outline proposals is set out within the Flood Risk Assessment and can be controlled via condition. This includes the use of porous paving, open attenuation and wetland areas and deep soakaways to recharge the secondary aquifer.

- 8.103 The site is located outside of a groundwater protection zone but is underlain by a secondary aquifer within the bedrock deposits. With regard to groundwater vulnerability, the site is underlain by 2 aquifers (major and minor) where the soil has high leaching potential. Groundwater was encountered in the form of small seepages in 5 of the 7 trial pits and is not therefore considered to be a problem. No historical groundwater flooding incidents have been recorded at the site, thus it is considered that the risk of groundwater flooding is not significant.
- 8.104 The foul drainage strategy is to connect to the existing local public sewers with improvement works if required to be funded by the applicant or Southern Water. Provision is made within the viability report for upgrade works to the sewerage network.
- 8.105 The Environment Agency have been consulted and raise no objection to the outline proposal subject to conditions. In addition KCC Lead Local Flood Authority raise no objection subject to conditions but raise advisory informatives in relation to submission of a detailed SUDS strategy at reserved matters stage.
- 8.106 The Council's contamination consultants have been consulted on the revised phase 1 land contamination assessment and consider the report addresses concerns relating to an historic pollution incident included in the revised site conceptual model and is highlighted for further assessment and the findings of the report are accepted and would fulfil the requirements of the first part (desk study & conceptual site model) of Shepway's standard land contamination planning condition.
- 8.107 It is considered that subject to appropriate conditions as requested by the Environment Agency and Southern Water, the proposed development meets with Policies SS3 of the Shepway Core Strategy Local Plan and the NPPF with regards to flood risk, surface and foul water drainage and contamination.

### **Archaeology/Heritage**

- 8.108 Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 8.109 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

8.110 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.111 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

8.112 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Planning Practice Guidance (PPG) states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of development on such assets.

8.113 Policy BE5 of the Shepway District Local Plan Review states that applications will be refused for development which would adversely affect the setting or character of a listed building. The applicants have submitted a Heritage Statement to support the application and its potential impact on surrounding heritage assets.

8.114 There are no Conservation Areas within or close to Sellindge. Sellindge and the site is located just to the West of the Postling Vale which surrounds the area to the North and the Lymgne Escarpment is to the South of the motorway

and so the area of Sellindge is not covered by either the AONB or the Landscape Character Areas identified by 'Kent Downs'. Nevertheless, the area of the farmland to the East of Sellindge possesses an attractive landform and the arrangement of fields and field boundaries remains unchanged from the c19th (except where cut by the railway and M20 motorway). The form and arrangement of the fields on the hillside within the site would suggest a far more ancient arrangement of Manorial Fields dating back to the Middle Ages. This is not addressed in either the submitted Heritage or Archaeological Statements provided.

8.115 Although the Grade I church is ancient and there are a number of listed buildings scattered about the village, most of the surrounding development is modern post-war houses and bungalows. There are only a few listed buildings in the vicinity of the site. The closest of these is Little Rhodes (Grade II) and Rhodes House with their gardens immediately joining the site on the west side and with their buildings only about 50-70m from the site boundary. The Council's listed building consultant has been consulted and considers that the indicative layout is generally well thought out and includes significant areas of open space at the highest ground to the west behind the existing village development and on the east side where the nature reserve is proposed. As the layout is indicative, it is considered that this basic plan layout is protected and which will help limit its impact on the surroundings.

8.116 With regard to archaeology, the submitted Heritage Statement fails to address the archaeological significance of the site and the historic landscape. The KCC Archaeological Officer has been consulted and considers that the historic landscape features are not utilised to inform the original submitted masterplan and does not provide any consideration of the extent to which its present appearance is a reflection of the past. The title map for Sellindge dating to 1842 shows the site and the field boundaries within it which form a clear and distinctive pattern with boundaries which correspond to the present day field boundaries. It was recommended therefore that further specialist assessment of the significance of the hedgerows be sought.

8.117 A revised indicative masterplan has been submitted showing the historic hedgerows and many trees subject now to a designated TPO to be retained and integrated into the proposed layout which serve to improve the proposed indicative layout and address the historic significance of the landscape. On balance, it is considered that the revised masterplan layout addresses the historic landscape features within the site where the Council's Conservation Consultant and the Council's Arboricultural Officer raise no objection to the proposed development.

8.118 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application on these grounds and the revised proposal would have no significant impact on the significance of surrounding Heritage assets and their setting and would thus amount to less than substantial harm.

8.119 Concerning potential buried archaeological remains, an Archaeological Desk Based Assessment has been submitted which considers the sites potential to

be mainly low to moderate. KCC Archaeology consider that the potential is significantly greater than that in particular to Prehistoric and Romano-British periods and that the site is potentially rich in archaeological remains including archaeology that may warrant preservation in situ. As such, it is recommended that if permission were to be granted for the proposed development, a condition would be necessary requiring completion of trial trenching prior to submission of detailed reserved matters in order that results can inform the detailed layout brought forward.

### **Open and Play Space**

8.120 The development proposes open space and play space on site and therefore addresses the requirements of policy LR9 and LR10 of the Local Plan. The management and maintenance of the open spaces and play spaces can be controlled and delivered by a S.106 agreement.

### **Contributions**

8.121 Any request for contributions needs to be scrutinised, in accordance with Regulation 123 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it 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.

### **Affordable Housing**

8.122 Policy CSD1 of the Shepway Core Strategy Local Plan states that development proposing 15 dwellings or more should provide 30% affordable dwellings on-site, subject to viability. As such, from the 162 dwellings proposed, the affordable housing units would equate to 49 units and the applicant has confirmed that the application will be policy compliant and deliver 30% affordable housing on site, meeting the requirements as set out by the Housing Strategy Manager and significantly contributing to meeting affordable housing need within the district.

### **Sport Provision**

8.123 The District Council's Infrastructure Officer has worked alongside the consultants that are preparing the Playing Pitch and Sports Facilities Strategy for the District to calculate the playing pitch demand associated with the growth in local population that will specifically arise from the development. The calculation, which is based on a standardised methodology applied by Sport England, generates a developer contribution of £34,536 (capital cost) and £5,175 annual lifecycle costs. The emerging Playing Pitch Strategy has included extensive site visits to rate the standard of current pitches and associated facilities. The pitches at Sellindge Sports and Social Club are rated as 'poor' quality and have no current spare capacity to accommodate

additional demand. On that basis the intention is for the S.106 contribution to be used to upgrade the pitch quality at the Sellindge Sports and Social Club ensuring the impact of the development is mitigated and local pitch quality is improved.

## **Education**

8.124 Kent County Council confirmed that the proposed development would generate an additional 37 primary school places amounting to a contribution of £528,000.00 for expansion of Sellindge Primary School and provision of additional land to extend the school.

8.125 Sellindge Primary School has 105 places and is currently operating at 110% capacity due to local demand and is the only primary school in the area serving the children across a predominantly rural area. Since the submission of this application, the applicants have addressed the impact of the proposed development on the school's capacity and have secured a separate piece of land to enable the school to be expanded either in the absence of the Taylor Wimpey development (Y14/0873/SH) being built out, or in addition to that site being developed. The applicants have secured a field to the north of Sellindge Primary School to ensure they could deliver the expansion of the primary school by up to 1 form of entry as required by KCC, who will require the transfer of serviced land to them in accordance with their standard requirements via the S.106 agreement. The field would allow for the playground and outdoor facilities to be moved northwards to allow for expansion of the school on the existing playground.

8.126 The expansion of Sellindge Primary School would be in accordance with Policy CSD9 of the Shepway District Council's Core Strategy which specifies that any major residential led development in Sellindge must include satisfactory arrangements for the timely delivery of necessary local community facilities including a primary school extension. Due to the complexities relating to phasing of the expansion of the school from planning permission Y14/0873/SH (which delivers land and funds to increase from 0.5FE to 1FE) there will need to be a clause within the s106 that ensures this development delivers the further expansion, beyond that identified. This can be achieved by clauses within the s106 agreement, whilst officers have been in regular dialogue with Taylor Wimpey over the phasing of the transfer of the school land (Belvedere Cottage) and the timing of the commencement of development that will ensure the school expansion already secured is delivered.

## **NHS Requirements**

8.127 NHS England have been consulted and have responded to confirm that the Sellindge NHS surgery, located within 1 mile of the application site, would require extension, refurbishment and/or upgrade in order to provide the required capacity.

8.128 The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an

assumed occupancy of 2.34 persons will be used which would result in a contribution of £136,800.00 plus support for legal costs in connection with securing the contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services. This cost specifically relates to the development and therefore should be delivered via s106, rather than CIL and will sit alongside funding for expansion that also has been collected via the s106 for Y14/0873/SH.

## **Environmental Impact Assessment Regulations 2017**

8.129 In accordance with the EIA Regulations the site falls within a sensitive area and within Schedule 2 10(b) urban development projects. A screening opinion has been carried out and it has been concluded that the development is not EIA development and as such an Environmental Statement is not required. A copy of the screening opinion is available on the planning file.

### **9.0 SUMMARY**

9.1 Having regard to all of the sections set out in detail above, it is considered that the proposed development constitutes a sustainable development, as defined by the NPPF and that on balance is acceptable and is recommended for approval.

9.2 Although the site is classed as being within the countryside and is therefore a departure from development plan policy, it is located directly adjacent to the settlement boundary of Sellindge adjacent to the M20 within a sustainable location with good transport links, within an identified area for planned growth in the future in Regulation 18 consultation draft of the Core Strategy Review. Additional housing in a sustainable location that delivers infrastructure needs and accords with the adopted settlement hierarchy, over and above the Council's 5 year housing supply is supported by the NPPF and as such, it is considered that on balance the addition of housing together with expanded and improved infrastructure for the village of Sellindge would deem this proposal to be acceptable.

9.3 With regard to infrastructure, Sellindge Primary School occupies a site which is insufficiently large to accommodate a 1FE school, thus prohibiting its expansion without an additional site being provided. Planning permission Y14/0873/SH secures land and funding to the County Council to facilitate the expansion of the school to 1FE, meeting the needs of allocated development. The applicant has addressed the impact of the proposed development on the school's future capacity and have acquired the additional land required to enable the school to be expanded further, so that together with the approved Taylor Wimpey development that is shortly to commence there is sufficient land and funding to accommodate the growth of the school to meet the needs of the development, to 1FE and beyond to 1.5FE as required. Without this obligation, the demand created by the proposed development could not be mitigated against. Therefore, it is considered that the proposed development would be in accordance with policies CSD9, SS3 and SS5 of the Shepway District Core Strategy and paragraph 17 of the NPPF in that the proposal would support a sustainable pattern of growth.

- 9.4 In terms of the Highway impact, the thrust of the submitted Transport Assessment indicates that the proposed development could only be implemented after the Taylor Wimpey development (Y14/0873/SH) highway works are built out. However, it is stated that the applicant is prepared to carry out the A20 highway improvement measures if required and a legal agreement will be sought together with details of phasing as to how this would be facilitated so as to ensure the development cannot be occupied until works to reduce the speed limit of the A20 through Sellindge to 30mph are in place. Ultimately the site access is reliant on a 30mph speed limit being in place to be safe and therefore without the changes to the highway that are to be delivered, and which are also required for the Taylor Wimpey development opposite, the site could not provide acceptable access.
- 9.5 The proposed development would have no significant impact on ecology where significant enhancements would be provided in the form of a nature reserve, native tree and hedge planting and a mitigation strategy for protected species. A Mitigation Strategy will be conditioned to ensure compensatory measures are put in place. As such, the proposal is considered to be in accordance with The Conservation of Habitat and Species Regulations 2010, Policy C011 of the Shepway District Local Plan Review and paragraph 109 of the National Planning Policy Framework.
- 9.6 In terms of the potential visual impact of the development on the landscape, it is considered that the proposed development would alter the wider setting of the countryside and AONB but would have a less than substantial impact on the natural and local environment and the intrinsic character and beauty of the AONB and open countryside and would not be readily perceived from within the AONB. Natural England and the Kent AONB unit have been consulted and raise no objection to the proposal subject to conditions and restrictions on height, scale, design and materials.
- 9.7 The conclusion on the heritage/archaeology impact is that although the wider historic setting will be altered, this may well have a less than substantial impact on the locality and certainly, due to the character of the garden plots to the two listed Buildings (Rhodes House and Little Rhodes), the impact on the listed buildings will also be less than substantial. The archaeological impact can be addressed via conditions.
- 9.8 With regard to drainage the proposed development would connect to the existing local public sewers with improvement works if required to be funded by the applicant or Southern Water. The Environment Agency have been consulted and raise no objection to the outline proposal subject to conditions and KCC Lead Local Flood Authority raise no objection on flood risk grounds subject to conditions but raise advisory informatives in relation to submission of a detailed SUDS strategy at reserved matters stage.

### **Local Finance Considerations**

- 9.5 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, 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.

- 9.6 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district. Under the scheme the Government matches the council tax raised from new homes for the first six years through the New Homes Bonus. The Government has consulted councils earlier in the year seeking to reform the New Homes Bonus to be paid over 4 years instead of 6 years, with a possible transition to 5 years. As such only a 4 year value for the New Homes Bonus would be calculated. New Homes Bonus payments are not considered to be a material consideration in the determination of this application.
- 9.7 In accordance with policy SS5 of the Shepway Core Strategy Local Plan, the Council has introduced a CIL scheme that in part replaces planning obligations for infrastructure improvements in the area. The site is located in charging zone D and the CIL levy in the application area is charged at £136.75 per square metre for new dwellings. Thus, based on a gross internal floorspace calculation of approximately 11,000 sqm of residential floorspace taking affordable housing provision into consideration, this development would be liable for a CIL charge of £1,504,250.00, alongside direct mitigation to be delivered via s106.

## **Human Rights**

- 9.8 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are 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 and must be satisfied that any interference with an individual's rights 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.
- 9.9 This application is reported to Committee due to it being a departure from the development plan.

## **10.0 BACKGROUND DOCUMENTS**

- 10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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**RECOMMENDATION** – That the Head of Planning Services be authorised under delegated authority to grant outline planning permission, subject to:

- Completion of a section 106 legal agreement with the applicant that secures the infrastructure and financial contributions detailed within this report and which the Head of Planning Services considers to be acceptable;
- The conditions discussed in this report and any amendments and additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant.

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Decision of Committee

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Land rear Rhodes House  
Main Road  
Sellindge

