



# Agenda

Meeting: **Planning and Licensing Committee**  
Date: **9 September 2025**  
Time: **7.00 pm**  
Place: **Council Chamber, Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

This meeting will be webcast live to the council's website at <https://folkestone-hythe.public-i.tv/core/portal/home>.

Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

***Please note there will be 37 seats available for members of the public, which will be reserved for those speaking or participating at the meeting. The remaining available seats will be given on a first come, first served basis.***

1. **Apologies for Absence**
2. **Declarations of Interest (Pages 5 - 6)**

## **Queries about the agenda? Need a different format?**

Contact Alex Baker – Tel: 01303 853498  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

Members of the committee should declare any interests which fall under the following categories:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

Members may make any declarations of lobbying online at <https://fhdcformassembly.tfaforms.net/f/declarations-of-lobbying>. Hard copies will also be made available at the meeting.

3. **Minutes (Pages 7 - 10)**

To consider and approve, as a correct record, the minutes of the meeting held on 12 August 2025.

4. **Minutes of the Licensing Sub-Committee (Pages 11 - 12)**

To consider and approve, as a correct record, the minutes of the Sub-Committee meeting held on 19 August 2025.

5. **Minutes of the Licensing Act Sub-Committee (Pages 13 - 28)**

To consider and approve, as a correct record, the minutes of the Sub-Committee meeting held on 19 August 2025.

6. **23/1413/FH - Land At Elmtree Farm, Main Road, Sellindge, Ashford, TN25 6JY (Pages 29 - 146)**

Outline application (with all matters reserved except for access from the A20/Moorstock Lane) for the demolition of the existing modern farm buildings and the erection of a community extension comprising up to 105 homes including affordable and self/custom-build housing, commercial/community uses and the provision of land for the school expansion; together with associated open space, public realm, ecological mitigation areas, and associated supporting infrastructure.

7. **22/1122/FH - Little Woodland Farm, The Workshop, Woodland Road, Lyminge (Pages 147 - 166)**

Retrospective application for the retention of a test and training track and associated safety lighting.

8. **25/0038/FH Little Woodland Farm, The Workshop, Woodland Road, Lyminge (Pages 167 - 182)**

Variation of Condition 8 (hours of site access) of planning permission Y10/0694/SH to allow for increased hours to access the site for emergencies.

9. **25/0893/FH/CON - Offices, Bus Station, Bouverie Square, Folkestone, CT20 1BA (Pages 183 - 194)**

Approval of details pursuant to condition 4 Part A (archaeology) and condition 5 Parts A, B and C (contamination) of planning permission 24/1650/FH.

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## **Declarations of Interest**

### **Disclosable Pecuniary Interest (DPI)**

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

### **Other Significant Interest (OSI)**

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

### **Voluntary Announcement of Other Interests (VAOI)**

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

#### **Note to the Code:**

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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# Minutes

## Planning and Licensing Committee

Held at:	Council Chamber, Civic Centre, Folkestone
Date	Tuesday, 12 August 2025
Present	Councillors Mike Blakemore, Polly Blakemore, Tony Cooper, Clive Goddard, Mrs Jennifer Hollingsbee, Anita Jones, Nicola Keen (Vice-Chair), Adrian Lockwood, Jackie Meade (Chair), Rebecca Shoob and Paul Thomas
Apologies for Absence	Councillor Gary Fuller
Officers Present:	Robert Allan (Principal Planning Officer), Alex Baker (Committee Services Officer), David Campbell (Development Management Team Leader), Ellen Joyce (Democratic Services & Elections Officer) and Danielle Wilkins (Planning Officer)

### 41. **Declarations of Interest**

There were no declarations of interest.

### 42. **Minutes**

The minutes of the meeting held on 15 July 2025 were approved as a correct record.

### 43. **22/1122/FH - Little Woodland Farm, The Workshop, Woodland Road, Lyminge, Folkestone**

This was a retrospective application for the retention of a test and training track and associated safety lighting.

The Development Management Team Leader advised the Committee that a member of the public, who commented on the application, had not been notified that the application was being reported to Committee. He therefore advised that Members may wish to defer the item to allow the correct notification process to take place.

Proposed by Councillor Keen  
Seconded by Councillor Mrs Jennifer Hollingsbee; and,

**Resolved:**

**To defer consideration of this application until the next Planning & Licensing Committee meeting, to allow the correct notification procedures to take place.**

(Voting: 11 For, 0 Against, 0 Abstentions)

44. **25/0038/FH - Little Woodland Farm, The Workshop, Woodland Road, Lyminge, Folkestone**

This application sought a variation of Condition 8 (hours of site access) of planning permission Y10/0694/SH to allow for increased hours to access the site for emergencies.

The Development Management Team Leader advised the Committee that as the application was linked to the previous item, which was deferred, they may also wish to consider deferring this item.

Proposed by Councillor Meade  
Seconded by Councillor Mrs Jennifer Hollingsbee; and,

**Resolved:**

**To defer consideration of this application until the next Planning & Licensing Committee meeting, to allow the correct notification procedures to take place in relation to item 43 (22/1122/FH).**

(Voting: 11 For, 0 Against, 0 Abstentions)

45. **25/0718/FH - 9 Moncrieff Gardens, Hythe, CT21 6FJ**

This application sought works to tree subject of Tree Preservation Order No. 7 of 2008 – T7 – Holm Oak: Reduce the overall size of the canopy by a maximum of 1.5 metres in both height and laterally, raise the canopy of the tree on the northern and western sides to ensure minimum highway clearance of 5.4 metres.

Proposed by Councillor Thomas  
Seconded by Councillor Keen; and,

**Resolved:**

**That consent for the works be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

(Voting: 11 For, 0 Against, 0 Abstentions)

46. **24/1899/FH - Martins Farm, Wenhams Lane, Ivychurch, TN29 0AW**

This was an application for a proposed single dwelling, detached garage and store building, driveway, external seating areas, SuDS scheme and associated landscape enhancements works.

The Planning Officer advised that one further objection had been received in relation to the proposed height of the building, but this has been fully addressed in the report.

Proposed by Councillor Goddard  
Seconded by Councillor Keen; and,

**Resolved:**

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

(Voting: 11 For, 0 Against, 0 Abstentions)

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# Minutes

## Licensing Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 19 August 2025
Present	Councillors Tony Cooper, Gary Fuller and Rebecca Shoob
Apologies for Absence	None.
Officers Present:	Alex Baker (Committee Services Officer), John Bickel (Licensing Officer), Paul Butler (Democratic Services and Lead Specialist), Alex Hanagan (Licensing Officer), Mr Alastair De Lacey (Legal Officer) and Lisa Painter (Customer Support Officer)
Others Present:	PC Alistair Pringle (Kent Police)

### 16. **Election of Chair**

Proposed by Councillor Fuller  
Seconded by Councillor Shoob; and,

#### **Resolved:**

**That Councillor Cooper be elected Chair**

(Voting: 3 For, 0 Against, 0 Abstentions)

### 17. **Declarations of interest**

Councillor Cooper declared that he is a customer of JJ Taxis.

### 18. **Exclusion of the Public**

Proposed by Councillor Cooper  
Seconded by Councillor Fuller; and,

**Resolved:**

**To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –**

**‘Information which is likely to reveal the identity of an individual.’**

(Voting: 3 For, 0 Against, 0 Abstentions)

19. **Review of Taxi Driver Licence**

This report considered whether action should be taken against a Dual Driver’s licence following Kent Police raising safeguarding concerns.

Proposed by Councillor Fuller  
Seconded by Councillor Shoob; and,

**Resolved:**

**1. To revoke the licence**

(Voting: 3 For, 0 Against, 0 Abstentions)

In reaching this decision, the Sub-Committee took into consideration the following factors:-

- i. The report presented by John Bickel for Council;
- ii. The evidence submitted by P.C Pringle of Kent Police
- iii. The oral representations of the taxi driver submitted at the hearing;
- iv. The provisions of the Local Government (Miscellaneous Provisions) Act 1976;
- v. The Human Rights Act 1998;
- vi. Folkestone and Hythe District Council’s Hackney Carriage and Private Hire policy [“the Policy”]
- vii. Institute of Licensing Guidelines (suitability guidance) 2024

# Minutes

## Licensing Act Sub-Committee

Held at:	Council Chamber - Civic Centre Folkestone
Date	Tuesday, 19 August 2025
Present	Councillors Tony Cooper, Gary Fuller and Rebecca Shoob
Apologies for Absence	None.
Officers Present:	Alex Baker (Committee Services Officer), John Bickel (Licensing Officer), Paul Butler (Democratic Services and Lead Specialist), Alex Hanagan (Licensing Officer) and Mr Alastair De Lacey (Legal Officer)
Others Present:	PC Alistair Pringle (Kent Police), Andy Blair (Kent County Council Trading Standards), Oliver Jewell (Kent County Council Trading Standards)

### 5. **Election of Chair**

Proposed by Councillor Fuller  
Seconded by Councillor Shoob; and,

#### **Resolved:**

**That Councillor Cooper be elected Chair**

(Voting: 3 For, 0 Against, 0 Abstentions)

### 6. **Declarations of interest**

There were no declarations of interest.

### 7. **An application for a Review of a Premises Licence in respect of: Littlestone Store**

The report considered an application for a Review of a premises licence under

Part 3 section 51 of the Licensing Act 2003 made by PC Alistair Pringle on behalf of Kent Police, in respect of Littlestone Store, 41 Littlestone Road, Littlestone, TN28 8LN. The Licensing Act Sub-Committee were asked to determine the outcome for the application.

After the Licensing Officer introduced the report, relevant representations were received from the following responsible authorities and interested parties:

Kent Police

PC Alistair Pringle addressed the Sub-Committee on behalf of Kent Police. He talked through the proven sales of alcohol to young people, the breaches of licensing conditions, and the employment of someone who did not have the right to work in the UK. He confirmed that Kent Police support revocation of the licence.

Exclusion of the Public

Proposed by Councillor Cooper  
Seconded by Councillor Fuller; and,

**Resolved:**

**To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 2 of Part 1 of Schedule 12A to the Local Government Act 1972 –**

**‘Information which is likely to reveal the identity of an individual.’**

(Voting: 3 For, 0 Against, 0 Abstentions)

The Sub-Committee were shown CCTV footage depicting the sale of age-restricted products to young people, including alcohol and vapes.

Trading Standards (Kent County Council)

The Sub-Committee heard from Oliver Jewell and Andy Blair, officers of Kent County Council’s Trading Standards division. They outlined a history of complaints against the premises and failures of staff to prevent the sale of age-related products. They confirmed that Trading Standards also support revocation of the licence.

Applicant

The Sub-Committee heard from the licence holder, Mr Sivananthini Kirupakarab, and his representative, Mr Naga Rajesh. They provided an account of how the incident on 31st May came to occur, and the measures taken since to prevent it from happening again.

The Sub-Committee carefully considered and gave the appropriate weight to the following: -

- i. The report presented by Licensing Officer Alex Hanagan
- ii. The written representations by Senior Licensing Officer John Bickel
- iii. The written and oral representations by PC Alistair Pringle on behalf of Kent Police
- iv. The written and oral representations by Kent County Council Trading Standards
- v. The representations by the licensee and his representative

Proposed by Councillor Cooper  
Seconded by Councillor Fuller; and,

**Resolved to:**

- 1. Note the contents of Report DC/25/22**
- 2. Revoke the Licence**

(Voting: 3 For, 0 Against, 0 Abstentions)

In arriving at its decision the Sub-Committee considered the application and all relevant oral and written submissions before them. The Sub-Committee considered the Licensing Act 2003, the Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, and Folkestone & Hythe District Council's Statement of Licensing Policy.

A full account of representations received during the meeting, as well as the full reasons for the decision, can be found in the decision notice, which has been published separately.

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<b>Application Number</b>	24/1413/FH
<b>Location</b>	Land At Elm Tree Farm, Main Road, Sellindge, Ashford, TN25 6JY
<b>Application Description</b>	Outline application (with all matters reserved except for access from the A20/Moorstock Lane) for the demolition of the existing modern farm buildings and the erection of a community extension comprising up to 105 homes including affordable and self/custom-build housing, commercial/community uses and the provision of land for the school expansion; together with associated open space, public realm, ecological mitigation areas, and associated supporting infrastructure
<b>Applicant</b>	Quinn Estates, The Cowshed, Highland Court Farm, Bridge, Canterbury, KENT, UK, CT4 5HW
<b>Agent</b>	NA
<b>Officer Contact:</b>	Alex Stafford

## Recommendation

- A** That planning permission be granted subject to the conditions set out at the end of this report and the applicant entering into a section 106 legal agreement securing affordable housing, self-build/custom housing, transfer of school expansion land, medical facility provision and, contributions towards education and SEND and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions, the legal agreement and add any other conditions/obligations that he considers necessary, AND;
- B** That Members adopt the Appropriate Assessment under the Habitat Regulations 2017 and with delegated authority to the Chief Planning Officer, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto.
- 1. Reason for consideration by the Committee**
- 1.1. The application is reported to Committee in accordance with the Councils Scheme of Delegation because the proposed development would represent a departure from the development plan.
- 2. Site and Surroundings**
- 2.1. The application site comprises 17.87 hectares of agricultural land in arable/pasture use.

- 2.2. The site is accessed from the A20 (Ashford Road) where an existing vehicular access serves Elm Tree Farm.
- 2.3. The site is located outside of but adjacent to the settlement boundary of Sellindge to the northwest of the existing settlement. The site is close to the local amenities with Sellindge Primary School located immediately to the eastern boundary. Other local amenities are located in close proximity with Sellindge Village Hall and the Doctors Surgery approximately 135 metres away from the site on the southern side of the A20.
- 2.4. The site is irregular in shape and largely open in character as a result of agricultural intensification with the majority of the internal field boundaries having been lost. The site is contained in part along the site boundaries, with mature hedgerows and trees located to the eastern and western boundaries. The southern boundary is characterised by a mixture of native hedgerows and existing rear garden boundaries. The northern site boundary is largely open where it forms part of a larger agricultural field.
- 2.5. The site is not subject to any tree preservation orders.
- 2.6. There are a number of large scale agricultural buildings located within the site however, the majority of the farmstead including Elm Tree Farmhouse and Elm Tree Farm Bungalow are excluded from the application site boundary.
- 2.7. The sites topography has an undulating form dropping from the northern edge of the A20 (65m AOD) to a field ditch which passes east / west through the site at 60m AOD. Beyond this, towards Moorstock Lane, the site rises to 75m AOD to the north-east of the site.
- 2.8. The site is located approximately 1.2km from the southern edge of the Kent Downs National Landscape and is considered to be within its setting. Gibbons Brook SSSI is located 600m to the east of the site beyond Swan Lane.
- 2.9. The majority of the application site falls within grade 2 agricultural land with some small sections identified as potential grade 1 and subgrade 3a agricultural land.
- 2.10. The site is located within floodzone 1 which has the lowest risk of flooding (less than 1 in 1,000 annual probability of river or sea flooding) and the Stour operational catchment area.
- 2.11. There are no listed buildings within the site however there are 5 grade II listed buildings located within 500m.
- 2.12. There are several public rights of way within the site. Footpaths HE295, HE296 and HE299 provide a connection through the site between Moorstock Lane and Ashford Road. Footpath HE300 links Swan Lane and Moorstock Lane to the northeast of the site.

- 2.13. The site location plan is detailed below and is attached to this report as Appendix 1.

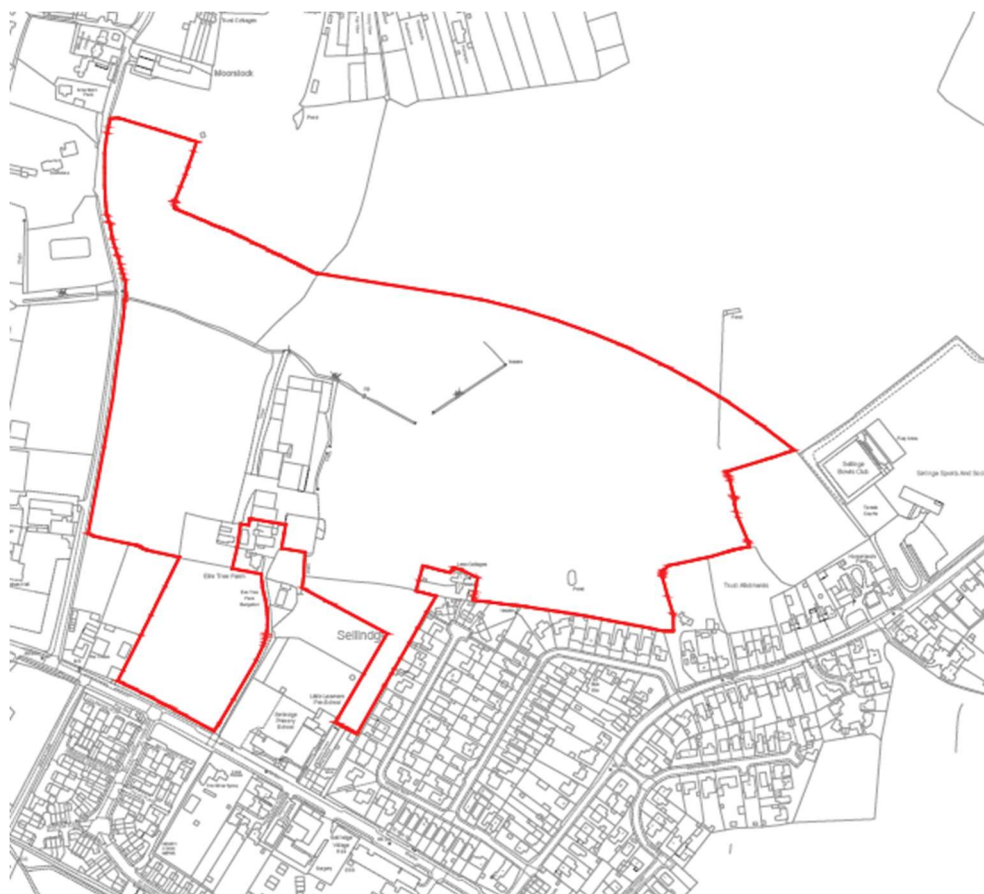


Figure 1: Site Location Plan

### 3. Proposal

- 3.1. Outline planning permission is sought for the erection of a community extension comprising up to 105 homes including affordable and self/custom-build housing, community facilities and the provision of land for the expansion of the primary school; together with associated open space, public realm, ecological mitigation, and associated supporting infrastructure.
- 3.2. This application seeks detailed permission for the main and emergency access into the site only (excluding internal circulation). Other reserved matters, being access (with the exception of the main and emergency access into the site subject of this application), appearance, landscaping, layout and scale, would be subject to subsequent applications in the future.
- 3.3. The application has therefore been submitted with a detailed access plan showing the main vehicular access into the site which would be from the A20 (Ashford Road) and the proposed emergency access from Moorstock Lane to the west.

- 3.4. The application is also supported by an illustrative masterplan (Figure 2 below) which has evolved since the submission of the application to take account of officers' comments and consultation responses. Amendments to the masterplan were sought to ensure that development would encompass and illustrate key placemaking and urban design principles, in particular around the area of the local centre. Further, officers sought a village green entrance feature to activate the space around the local centre to make it more welcoming and pedestrian friendly and better integrated with the school.
- 3.5. The masterplan together with a number of illustrative parameter plans relating to land use, access and movement, character areas, landscaping, unit mix, materials and boundary treatments seeks to establish key objectives and principles, address site constraints and demonstrate that the quantum of development is deliverable and would be high quality and appropriate for the site.



Figure 2: Illustrative Masterplan

- 3.6. The application sets out that the masterplan has been informed by the following key principles:
- Design: To achieve integration of new development within the

landscape and to link with the existing settlement achieving a functional community;

- Infrastructure: To deliver a substantial programme of infrastructure improvements through the network of pedestrian and cycle routes;
- Phased Delivery: Provision of high quality homes with a variety of sizes, types and tenures in a sympathetic vernacular and contemporary style and with efficient use of land;
- Community: Foster community spirit and civic pride by the provision of a high quality public realm;
- Green Infrastructure: Create green spaces comprising a significant part of the overall site area and incorporating an integrated network of green corridors, recreation and community facilities, sustainable drainage and biodiversity protection and enhancement;
- Sustainability: Plan for a sustainable community through enhanced connectivity between functional nodes and enhanced public transport and by creating attractive pedestrian and cycle routes to link the adjoining communities and the surrounding countryside, as well as providing energy efficient dwellings embracing sustainability principles;
- Lifestyle: Encourage a healthy life style for all residents by the provision of safe convenient paths and cycleways and by the creation of a new parkland and recreation facilities;
- Create a parkland to enhance and improve wildlife and habitat whilst providing a landscape circulation and amenity space for all to enjoy.

#### Land Uses and Housing Mix

- 3.7. Figure 3 below sets out the proposed land use framework. Overall, the amount of built development would not exceed the maximum set out and areas of amenity space / open space would be set as minimum areas.

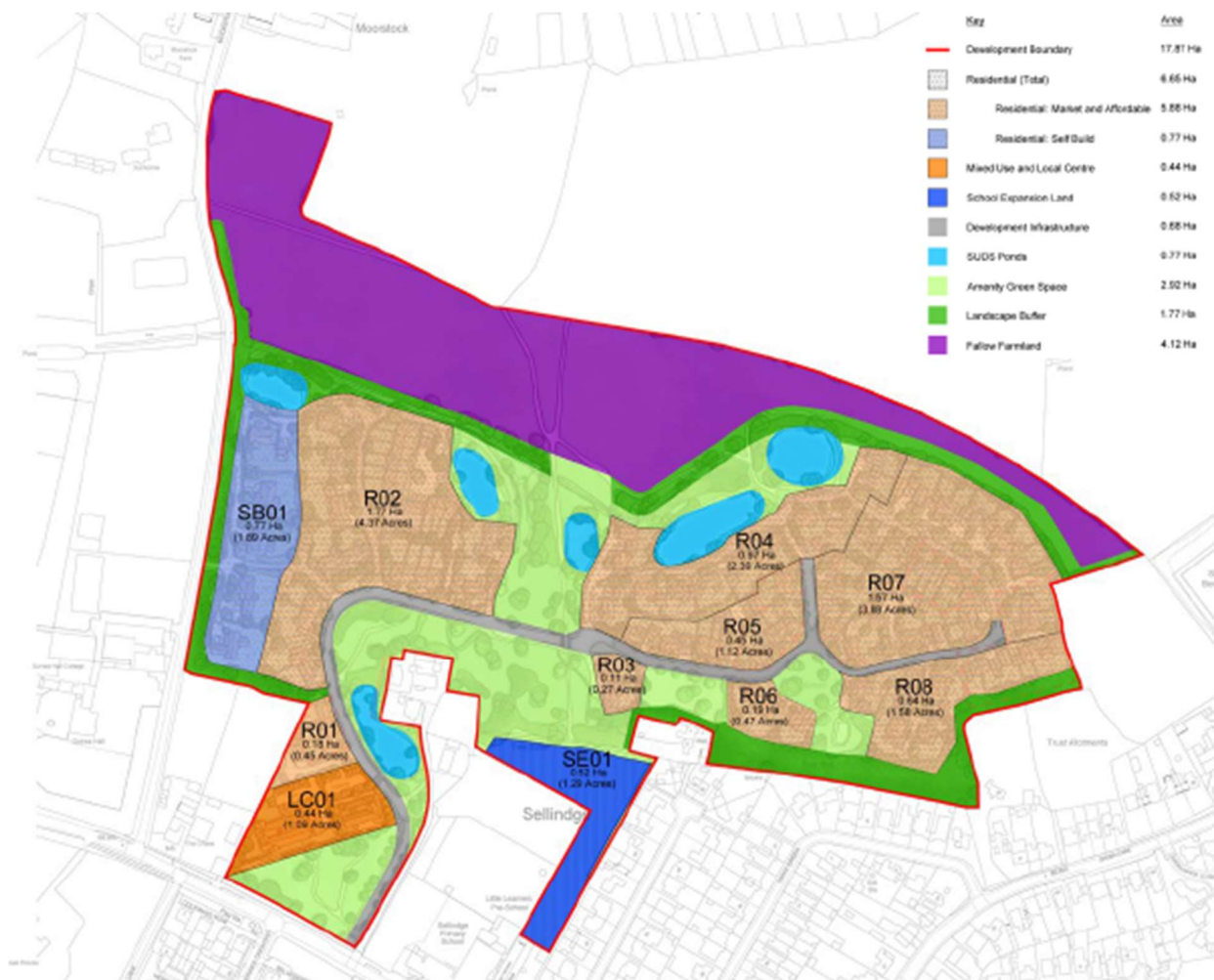


Figure 3: Proposed Land Use Framework Plan

- 3.8. The application proposes up to 105 new homes including 22% affordable housing and 5% self/custom build plots. The development would provide a mix of housing typologies including 2 and 2.5 storey detached, semi-detached and terraced dwellings. Bungalows and apartments are also proposed. The housing would be arranged to form a neighbourhood centred around focal greenspaces.
- 3.9. In terms of housing mix, a combination of 2, 3, 4 and 5 bed dwellings are proposed. Whilst the application is in outline, the likely mix is set out in the table below.

Market Housing	Number of dwellings	% of Dwellings
2 Bed	12	15.60%
3 Bed	40	51.90%
4 Bed	14	18.20%
5 Bed	11	14.30%
Total	77	73.30%
Affordable Housing		
1 Bed	0	0.00%
2 Bed	10	43.50%
3 Bed	13	56.50%
4 Bed	0	0.00%
Total	23	21.90%
Self Build		
4 Bed	0	0.00%
5 Bed	5	100.00%
Total	5	4.80%
Total	105	100%

Table 1: Proposed Indicative Housing Mix

- 3.10. Density would vary across the site, and the proposed overall density would be approximately 17 dwellings per hectare based upon the whole site area. A denser form is proposed through the central areas with lower densities proposed to the western edge around the open space to the north and a further area of low density would be located adjacent to the existing dwellings at Swan Green and Downs Way. The local centre would be the highest density area within the site.
- 3.11. A mixed use local centre is proposed to serve the development, and the wider area of Sellindge This area is proposed to be located adjacent to the A20 and the existing primary school and would be overlooking an area of public green space. It is envisaged that this area would provide for commercial and community uses with residential uses above which, subject to interest, would include a 550sqm doctors surgery, a 150sqm dentist surgery and a 372sqm convenience store.
- 3.12. The land use parameter plan identifies that landscape buffers would be provided to the site boundaries, extensive areas of public open space incorporating SuDS/wetland throughout the development totalling approximately 9.58 ha of which 4.12 ha of farmland would be fallowed to the northern part of the site where it adjoins open countryside.

#### Access and Movement Strategy

- 3.13. The development proposes two new access points comprising a primary

- access off Ashford Road, and a secondary western emergency access off Moorstock Lane.
- 3.14. The existing parking bays on Ashford Road, which are used for school drop-off, would be removed and replaced with new bays alongside the site access road. In addition, the existing zebra crossing on Ashford Road is proposed to be upgraded to a puffin crossing.
- 3.15. Whilst the internal road layout would be the subject to reserved matters approval, a street hierarchy following three broad street types is proposed which is intended to reflect a transition from the movement function to a place function as people move further into the site. These are:
- Primary Streets: Avenues, Boulevards and Main Streets;
- Secondary Streets: Local Streets and Access Streets;
- Tertiary Streets: Lanes, Mews, Home-zones.
- 3.16. The above hierarchy would incorporate streets of varied widths and characteristics intended to differentiate between each of the character areas and to provide a safe and secure pedestrian environment by reducing traffic speeds. Pedestrian and cycle routes are also proposed within the masterplan, seeking to provide connectivity between the site and local amenities and the existing PROWs would be retained. A perimeter trim trail is proposed, intended to provide access to the edges of the development.
- 3.17. Figure 4 below sets out the indicative street hierarchy and the proposed vehicular and pedestrian routes.



Figure 4: Access and Movement Strategy

### Landscape Strategy

- 3.18. The landscape strategy proposes to provide structure to the proposed development and connect with existing vegetation within the sites immediate context and the wider green infrastructure within its setting. This would include providing vegetated boundaries to the site and retaining and enhancing existing field boundaries. Lost historic boundaries are proposed to be recreated.
- 3.19. Boundary vegetation on all of the site boundaries is proposed to be retained with gaps reinforced with native planting. The development would also be set back from adjacent land uses with additional landscape planting incorporated to provide a significant buffer and increase the green infrastructure.
- 3.20. On the southern boundary new boundary planting would be provided to ensure privacy between the development and existing dwellings and the

- applicant suggests that there is potential to extend the existing rear gardens of properties on Swan Green.
- 3.21. On the western boundary, the proposed lower density dwellings would be set back from Moorstock Lane allowing space to reinforce the existing hedgerow with additional tree planting.
- 3.22. Along the northern boundary a large open space is proposed to be created containing blocks of native trees and shrubs together with wildflower and meadow areas. Circular paths would allow for public recreational access.
- 3.23. The landscaping strategy incorporates water features to provide habitat for wildlife and green infrastructure links with water bodies on adjacent land.
- 3.24. Within the housing areas, private gardens will be bordered by native hedges and access roads would be tree lined.
- 3.25. A key element of the landscape masterplan is the provision of open spaces throughout the development to create a focus for each character area.
- 3.26. The largest area of amenity green space is proposed along the more northern part of the site where the land falls along the existing watercourse. Existing riparian vegetation would be retained, and significant amounts of new native tree and scrub planting introduced. In particular tree copses are proposed to reflect one of the key characteristics identified in the Sellindge Plateau Farmlands Landscape Character Area within which the site is located.
- 3.27. Attenuation basins and wetland habitats would be created along the existing watercourse providing habitat for wildlife and blue infrastructure connections.
- 3.28. In the area of the Public Right of Way which divides into two within the northern part of the site, a central linear landscaped area of open space is proposed intended to protect its amenity as well as retain views north towards the NL.
- 3.29. A focal village green is also proposed within the eastern part of the site and play areas would be introduced which are indicatively proposed within the village green and area of open space to the north of the site.

## Character Areas

- 3.30. A total of 7 different character areas are proposed, the key principles of which are set out below and illustrated in Figure 5.



Figure 5: Proposed Character Areas

### Gateway Character Area

- 3.31. Located within the local centre at the entrance to the site, the Gateway Character Area would be defined by key commercial buildings. It is proposed that these buildings would take the form of contemporary architecture that would respect traditional materials, proportions, and scale and is intended to provide a visually cohesive and welcoming sense of arrival to the development. The buildings would be constructed predominantly from multi red stock brick, with plain clay roof tiles with dark fenestration. A public park with a play area would be a focal point of this

area. It is proposed that estate railings would be located along road frontages.

#### Rural Lane Character Area

3.32. The Rural Lane Character Area is where the Self/Custom build plots would be located. Each of the plots would be spacious and each dwelling would have to adhere to the self-build design code which sets out the design principles, layout, materials palette and boundary treatments. A key feature of the code is the use of extensive rear glazing, maximizing natural light and offering expansive views over generous gardens.

#### Village Green Character Area

3.33. The Village Green Character Area would comprise homes arranged around a central green which would be a usable amenity space for residents. It is proposed that two-storey houses would be located to the north of the green, set within generous gardens, while single-storey homes would be located to the south, backed by a substantial landscape buffer.

3.34. The dwellings in this area would be constructed primarily of red brick, with clay tiles to roofs and white-painted fenestration. Increased glazing to the rear of dwellings is proposed to enhance natural light and views. The architectural style here is proposed to be traditional Kentish vernacular.

3.35. The green is intended to be the defining landscape feature in this area. The existing pond would be retained and enhanced. To the south, a buffer of native species is proposed along the boundary with existing properties to aid privacy and provide biodiversity enhancements. Front boundary treatments would be soft with low fencing and hedging.

#### Farmstead Character Area

3.36. The Farmstead Character Area is proposed to draw inspiration from the existing farmstead group and would be focused around predominantly two-storey buildings, organised into two key typologies around a courtyard:

- A row of three two-storey cottages, echoing the style of traditional farm workers dwellings.
- Two principal barn-style buildings, each subdivided to form a series of individual cottages.

3.37. Proposed materials would include multi red stock brick with plain clay tiled roofs. Frontage and side fencing would incorporate picket and hazel hurdle panels with native hedging to provide a softer, more natural boundary treatment.

#### Parkland Edge Character Area

3.38. This character area would comprise two-storey principal park-facing homes

of traditional scale and form. The architectural approach would adopt a formal style that reflects the character of nearby village housing. Larger detached properties would be positioned to overlook the park.

- 3.39. Dwellings would be set back from the park and road, with landscaped front gardens bounded by estate railings, picket fencing and natural hedges to provide a soft edge to the public realm and road.

#### Green Street Character Area

- 3.40. The Green Street Character Area would be characterised by an avenue of trees with houses set back behind it. This street would be of a higher density comprising a mixture of detached, semi-detached, and terraced homes which would be traditional in form, typically one to two storeys, with on-plot parking provided for each unit. Materials would comprise multi red stock brick with plain clay tile roofs and fenestration would be white to enhance the traditional appearance.
- 3.41. A key element of this part of the development would be the central green street intended to create a rural lane character. Front gardens would be landscaped with natural hedges to the boundaries. To the rear, where dwellings would back onto open countryside or neighbouring properties, a substantial buffer of trees, hedging, and shrubs is proposed.

#### Waters Edge Character Area

- 3.42. This area would comprise low density primarily detached dwellings that would overlook the proposed ponds, wetlands and countryside beyond.
- 3.43. Key architectural features would include gables, steeply pitched roofs, and occasional single-storey elements. Soft, natural materials are proposed to complement the landscaped gardens and planting around the ponds.
- 3.44. A tree belt along the northern boundary is proposed to create a green buffer zone to provide natural screening. Road facing boundaries would be bounded by hedges, with picket fencing.

#### Design and Materials

- 3.45. Architecturally the vision would incorporate a mixture of traditional and contemporary designs with density and character varied throughout the development in response to the specific design vision for each character area.
- 3.46. Whilst the masterplan is not prescriptive in determining the appearance of buildings, the design guidance and parameters provide some key principles relating to the buildings form, and arrangement with each other. These key principles set out that buildings would be of a high quality, with high quality materials selected and a generosity of design and detailing apparent in the external appearance. In addition, it is proposed that the appearance of

buildings would support local character and distinctiveness.

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

Planning Statement

- 3.48. The Planning Statement assesses the proposals in the context of the requirements of the local policy and guidance, the NPPF and other material considerations.
- 3.49. The application site is located centrally within Sellindge adjacent to the settlement boundary. Sellindge is a highly sustainable settlement identified for growth under Policy CSD9 of the Folkestone and Hythe Local Plan.
- 3.50. Development of the site would contribute to the delivery of the Council's vision for Sellindge as a sustainable, thriving settlement. The application proposes the delivery of vital housing, including on-site self-build, later living and affordable housing provision alongside general market housing. Moreover, the proposals include the development of key community infrastructure in the form of a new Doctor's surgery, village store, Dentist, land and/or contribution towards nursery provision, and land for the expansion of Sellindge Primary School to 2FE.
- 3.51. The application is supported by technical reports which demonstrate that the site is suitable, sustainable, and deliverable for the development proposed. The planning balance is in favour of the proposals and, it is considered that a grant of planning permission for this sustainable development would be appropriate.

Design & Access Statement and Addendum with Design Guide (May 2025)

- 3.52. The Design & Access Statement (D&A) sets out the strategy and rationale behind the proposals for 105 dwellings on the application site. It also highlights how these designs have evolved over the course of the application and takes account of a wide range of considerations and constraints.
- 3.53. The amended proposed development has been carefully conceived to meet the Local Plan requirements for Sellindge.
- 3.54. The development would complement the vision for an appropriate extension to the village of exceptional quality and energy performance that would achieve the optimum balance of uses to support the existing residents and enhance the sustainability of the village by providing new services and facilities.
- 3.55. By working with the local GP, the scheme would deliver a new state-of-the-art medical facility significantly larger than the current outdated and constrained one to increase the range, quality and quantity of primary care

- services available to the village and surrounding area. The current practice serves 5,000 patients and operates in excess of capacity and so a new facility would enhance this service and future proof the medical needs of up to 8,000 patients in the district.
- 3.56. The location of the medical practice has been identified by the lead GP as the only one capable of meeting the needs of the practice, the needs of its patients and the requirements of a stringent business case. As such it is the only feasible and viable location for such an important community asset. Other community benefits include a new, larger convenience store to provide for villagers' day-to-day needs.
- 3.57. The development would also provide Sellindge Primary School with further expansion land to support the growth of the school in the coming years, in an area with existing allocations and new homes in completed and ongoing developments amounting to circa 600 new homes. Elm Tree Park is the only development that has the ability to deliver the additional space that the school requires both now and in the long-term.
- 3.58. The addition of a dental practice, much like the GP surgery, provides residents with an important community facility on their doorstep, where currently the nearest facilities are in Ashford and Hythe. Pennypot Dental, who provide NHS and private services, have agreed to deliver the dental practice adding to their existing locations in Hythe and Ashford.
- 3.59. Additionally, the scheme provides policy compliant 22% affordable housing as well as sought-after self-build plots to allow people to build their dream home in an area with a lack of self-build opportunities. Surrounding the built form, more than half of the entire site would be dedicated as parkland and amenity land which would provide better connectivity to the village as a whole and allow for significant bio-diversity net gain.
- 3.60. The proposal would therefore help meet the village's housing need with a mixed-use extension to the settlement without exceeding the numbers envisaged in the Council's Local Plan.
- 3.61. Overall, the development would create an exciting residential area, in what is already recognised as a desirable place to live. The development would be supported by the excellent wide ranging new and existing amenities, access to public transport and places to work.
- 3.62. The proposals would be suitable for the site in terms of land use, amount of development, access, layout and appearance.
- 3.63. The proposals would be in accordance with design policies contained within both Folkestone & Hythe District Council's adopted Development Plan, as well as national guidance set out in the National Planning Policy Framework and National Planning Practice Guidance.

### Arboricultural Impact Assessment

- 3.64. The report relates to trees on and adjacent to the site. It is concerned with the impact the development may have on nearby trees, and the effect retained trees may have on the development.
- 3.65. To ensure accordance with adopted development control policy NE2, the development proposals have been informed by an arboricultural survey of the existing tree stock, following guidance within BS5837:2012.
- 3.66. Arboricultural input has been provided during design of the development parameters, which has served to minimise necessary tree removals, and to focus the effect on low quality components of the tree stock. Subsequently, other than a small collection of Willow (G3) and sections of natural scrub colonisation (G10), the unavoidable removals comprise only sections of hedgerow to facilitate access and interconnectivity between the development parcels. Importantly, no significant or veteran trees, trees covered by a TPO, or areas of Ancient Woodland would be affected by the proposed development.
- 3.67. The development includes a scheme of landscaping and provides the opportunity to secure betterment to the tree stock, particularly the introduction of trees to the north of the development itself. The proposed plantings can serve to complement the retained boundary tree stock, whilst also securing the softening of the proposed development. Detailed planting proposals would form part of the future reserved matters application.
- 3.68. Subject to ongoing arboricultural input during detailed design of the proposals, including levels, drainage and services, and the implementation of safeguards for protecting retained trees during construction, the proposed development can be introduced whilst ensuring the confident protection of retained trees.
- 3.69. Whilst the retention of significant trees where possible is implicit by Policy HB1, none of the tests preclude the removal of trees to implement development. The limited tree removals are unavoidable in order to introduce residential development to the site and can be compensated for within the scheme's proposed Green Infrastructure provision. The introduction of the proposed development is subsequently considered to accord with adopted Policies and the NPPF.

### Air Quality Assessment

- 3.70. The air quality impact assessment has been carried out to assess both construction and operational impacts of the development.
- 3.71. An assessment of the potential impacts during the construction phase has been carried out in accordance with the latest Institute of Air Quality Management Guidance. This has shown that for the proposed development,

limited releases of dust and particulate matter are likely to be generated from on-site activities. However, through good site practice and the implementation of suitable mitigation measures, the impact of dust and particulate matter releases may be effectively mitigated, and the resultant impacts are considered to be negligible.

- 3.72. ADMS Roads dispersion modelling has been carried out to assess the impact of the operation of the proposed development on local pollutant concentrations. The results indicate that predicted concentrations of relevant pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations are below the relevant objectives at nearby sensitive receptors. Emissions arising from traffic generated by the operation of the development would result in a low/imperceptible impact on local pollutant concentrations.
- 3.73. Future occupants would not be exposed to pollutant concentrations above the relevant objective levels, therefore the impact of the development with regards new exposure to air quality is considered to be negligible.
- 3.74. It is concluded that air quality does not pose a constraint to the development, either during construction or once operational.

#### Energy Statement

- 3.75. This energy standard would be delivered through a fabric-first approach to design and renewable energy.
- 3.76. The scheme has been designed to meet a total reduction in CO<sub>2</sub> emissions of 68.08%. This far exceeds the policy requirements of a 10% reduction in CO<sub>2</sub> emissions. The reductions are closer to those predicted for the future home requirements than current building regulation requirements.
- 3.77. The scheme has been designed to achieve the enhanced water requirements of 100 litres per person per day.
- 3.78. A combination of demand-reduction measures, energy-efficiency measures, low-carbon heating and renewable energy will deliver the applicant's target for on-site reduction in energy demand.
- 3.79. The following measures summarised below would be incorporated in the development proposals.

Fabric first: Demand-reduction measures:

- Energy-efficient building fabric and insulation to all new heat loss floors, walls and roofs.
- High-efficiency double-glazed windows throughout.
- Quality of build will be confirmed by achieving good air-tightness results to new dwellings.
- Efficient-building services including high-efficiency heating systems.
- Low-energy lighting throughout the development.

Low carbon and renewable energy:

- Vaillant aroSTOR ASHP.

#### Geo-Environmental Assessment

- 3.80. Desk study and site walkover has suggested/ identified the presence of numerous contamination sources at the site including, hydrocarbons (fuels and oils), agrochemicals, asbestos. Given the agricultural history of the site other contaminants may also be present.
- 3.81. A conceptual model has been produced which highlights the following potential contamination risks:
- i. Risk to controlled waters from mobile or soluble contaminants
  - ii. Risk to future site users in the absence of remedial actions
  - iii. Possible risk to current users
- 3.82. The report recommends that a Phase 2 Intrusive Investigation should be undertaken which includes chemical analysis of soil and groundwater, in conjunction with a programme of hazardous gas monitoring.
- 3.83. The report recommends that investigations are targeted to include known/ identified sources and untargeted to identify general site conditions. Investigation measures would include boreholes and trial pits, collection of soil and water samples for a range of determinants and gas and water monitoring.
- 3.84. Given the aquifer status it is recommended that the investigation should include boreholes to groundwater within the area used for fuel storage. Pesticide/ herbicide testing should be undertaken including in the area of the former orchard. Testing of tracks/ surfacing made up with construction materials should also be undertaken.
- 3.85. Assessment of the potential for migration of gases from the adjacent landfill site (at Moorstock Farm) should be made including the installation of boreholes on the relevant boundary.
- 3.86. A pre-demolition or refurbishment asbestos survey should be undertaken of all existing buildings prior to all any works on site. Any ACMs that are identified will need to be safely removed prior to the start of demolition works.

#### Agricultural Land Quality

- 3.87. The site is provisionally mapped as Grade 2 in common with all other land surrounding Sellindge and sits within a mapped soil type that comprises silty clay loam and silt loam textures. Although only covering small areas, the

existing available detailed ALC survey data from within and close to the site correlates well with the mapped data and also confirms the high quality of agricultural land around Sellindge.

- 3.88. Taking aerial imagery into account, it is likely that the site will be all or mostly Grade 2 quality. There is a potential for small areas within the site to be in either Grade 1 or Subgrade 3a, but overall, the whole site is anticipated to be all within the category of BMV agricultural land.

Flood Risk Assessment (with Addendum) and Drainage Strategy

- 3.89. The proposal will result in an increase in the worst-case flood vulnerability at the site from 'less vulnerable' to 'more vulnerable'.
- 3.90. The site is not at risk of flooding from rivers, however a risk associated with the watercourses crossing the site is identified and defined by the Risk of Flooding from Surface Water map. In accordance with the Sequential Approach, all proposed vulnerable development will be located on land in Flood Zone 1 or equivalent in terms of the risk of flooding from surface water and groundwater. Development of all vulnerabilities is appropriate in Flood Zone 1 and equivalent areas, and the exception test does not apply. Only water compatible development is proposed within areas at high risk of flooding.
- 3.91. The assessment of flood risk and development of the surface water management system account for climate change to the furthest epoch by applying the latest climate change factors recommended by the Environment Agency for the Stour surface water management catchment to river flows and rainfall in all calculations.
- 3.92. All vulnerable development would be located outside the areas at risk of flooding from all sources and designed in accordance with best practice to ensure risks from exceedance and extreme flood events are minimised. There is no pathway for impacts on flood risk elsewhere with the exception of surface water runoff and downstream catchments, which will be managed by ensuring surface water runoff discharged from the site will be limited to as close to greenfield rates and volumes as practicable. There will be no significant reprofiling and therefore no change in the runoff characteristics or catchments across the site. Taking account of all available information, the proposed development is at low risk of flooding from all sources and will not result in any increase in the risk of flooding elsewhere.
- 3.93. A drainage strategy has been developed to ensure surface water is managed safely on the site, without increasing flood risk on or off the site. Runoff from the development is split into sub-catchments, collected and stored within detention basins, and released at very low flow rates (greenfield 1 year and QBAR) up to the 100 year plus climate change event. Other SuDS features such as rainwater harvesting, raingardens, pervious pavements are suggested to provide interception, infiltration and treatment

of runoff.

- 3.94. The proposed development would increase the number of vulnerable users of the site, however, the probability and associated risks of flooding for occupied areas of the site are negligible, so there would be no increase in the number of people at risk of flooding as a result of the development. There would be no significant residual risk of flooding.
- 3.95. The FRA concludes that the site would be safe for its lifetime, without increasing flood risk elsewhere, in accordance with the requirements of the NPPF and the flood risk exception test. As part of the proposed development, a surface water management strategy is proposed that improves resilience to climate change by limiting off-site discharges to present day runoff rates. In addition, the overall peak discharge for all events up to and including the 100 year return period including climate change would be limited to the mean annual greenfield flow rate.

Heritage Statement (Nov 2024)

- 3.96. The Heritage Statement has assessed the proposals through detailed investigation and review of the historic development that relates to the site. It has assessed primarily the impact of the proposals on the significance of Elm Tree Farm's Grade II listed farmhouse and barn, and on the wider heritage context, including Lees Cottages (Grade II listed).
- 3.97. The Heritage Statement identifies the historic significance of each of these assets in detail and assesses the impact of the proposed development upon the significance of each asset and its setting. Key findings are summarised below:

Elm Tree Farmhouse and Barn 5 metres north of Elm Tree Farmhouse:

Significance: Primarily from its historic use as a farm and as its residential core, with evidence of vernacular architecture adding to its significance. Fabric analysis conducted by HE identified historic phases with evidence of pre C18th building and as a result it provides some limited use as an illustration of the evolution of vernacular architecture.

The barn derives its significance primarily from its association with the nearby farmhouse but also with its early C16th age. It exhibits traditional vernacular architecture with a timber structure and timber weatherboarding typical of the Kent region.

Impact of the development: Less than substantial harm identified due to the alteration to the setting of these assets. The report identifies several contextual factors and design elements which are considered to place the harm on the lower end of less than substantial.

Guinea Hall (approximately 66 metres from the western site boundary)

Significance: Derived from the quality of its late Georgian country house architecture, which focusses on polite classical styles but is relatively typical of its period.

Impact of the development: Legibility of this assets significance is most apparent from within the asset's grounds and as such the proposals would have no impact on this.

Lees Cottages (adjacent to the southern boundary)

Significance: Two houses, 1 and 2 Downs Way, are notable for both their age (dating from the C16th) and their vernacular timber-framed architecture from which they derive much of their special interest. Given the historic rural character of the area, they likely functioned as workers cottages for nearby farms, and their rural setting provides legibility for their historic significance.

Impact of the development: The proposals for housing to their north within the existing open fields would amount to less than substantial harm to the contribution of their setting. Harm would be on the lowest scale of less than substantial.

Moorstock House (approximately 140m north of the development site)

Significance: The house, which was likely engaged in farming, dates from the C17th and derives much of its significance from this. There are various phases of development extant, with C19th and C20th alterations to its elevations providing an interesting illustration of the evolution of architectural styles. A number of traditional materials and forms exist, including Flemish bond brickwork, timber casements and C17th woodwork to the interiors.

Impact of the development: No impact on the significance of this asset due to the distance and set back nature of the house from the site's northwest boundary and from Moorstock Lane, and the degree of mature greenery providing sufficient buffering between them.

- 3.98. While the proposals would amount to less-than-substantial harm to Elm Tree Farmhouse, Barn and Lees Cottages, this is considered to be on the lower end of the spectrum due to the mitigation and carefully considered design and landscaping scheme intended to maintain their immediate rural settings.
- 3.99. As such, this low level of less-than-substantial harm would need to be considered in the context of NPPF and weighed against the public benefits of the scheme. The public benefits include the provision of 105 homes (including affordable and self/custom build homes), a new local centre with community facilities, land for school expansion, public realm enhancements and high-quality landscaping throughout.

- 3.100. The proposals are not considered to cause harm to Guinea Hall and Moorstock House and so their significance, special interest and setting would be preserved in line with s.66(1), the NPPF, and Local Plan Policy HE1.
- 3.101. In summary, the report concludes that the proposals build appropriately upon the context of Sellindge as a modern suburban settlement to optimise the site and provide distinct local benefits to the community.

#### Archaeology Assessment

- 3.102. It is likely that the site and its surroundings would have been an attractive place for utilisation in the early prehistoric periods due to the supply of fresh water from the East Stour River and its tributaries as well as areas of woodland for shelter and hunting. Whilst there is little evidence of early prehistoric communities within the study area residual and topsoil finds of Mesolithic and Neolithic date across the study area suggest that this area was being utilised at this time.
- 3.103. The site lies within the wider landscape surrounding a group of funerary monuments located at the southern edge of the study area upon higher ground. It is likely that there was some settlement within the surrounding landscape associated with the monuments which may have been located on the lower lying ground closer to the fresh water source and wooded areas. Iron Age and Romano-British remains have been found during excavations located to the south of Ashford Road 100m to the south of the site. These features included a Roman field system and pits and ditches relating to the Iron Age. It is possible that the land within the site was organised in a similar way during the Romano-British period.
- 3.104. The farmstead at Elm Tree Farm is known to have existed since at least the 16th century and may have existed on the site of an earlier medieval, perhaps moated, farmstead. A density of medieval features was found during the excavation south of Ashford Road representing an established field boundary system associated with the medieval and postmedieval
- 3.105. Somerfield Court and Barn. It is possible that medieval and post-medieval agricultural features could exist within the site perhaps associated with Elm Tree Farm.

- 3.106. The Historic Landscape Character of the proposed development site is of limited significance. Although development of the site would fundamentally alter its character, this would not constitute an appreciable loss to the wider historic environment resource.
- 3.107. Any adverse impact to buried archaeological features as a result of the implementation of the development proposals would be permanent and irreversible in nature. This potential adverse effect could be reduced through the implementation of an appropriate scheme of archaeological mitigation, in accordance with national and local planning policy.
- 3.108. The results of the geophysical survey have not been ground truthed by any intrusive archaeological investigation, as such it is likely that additional investigations may be required by the Archaeological Advisor.
- 3.109. The need for, scale, scope and nature of any further archaeological works should be agreed through consultation with the statutory authorities.

#### Gradiometer Survey

- 3.110. The gradiometer survey did not identify any anomalies thought to relate to archaeological activity. The majority of anomalies recorded are post medieval in origin and relate to former field boundaries and services.
- 3.111. Several former field boundaries have been recorded in the west and east of the site. All boundaries are present on OS mapping from 1888 – 1961 yet are no longer visible on satellite mapping dated 2002.
- 3.112. Several modern services have also been recorded across the site, on a broadly north – south orientation. The remaining ferrous anomalies are considered to be likely modern in origin.

#### Health Impact Assessment

- 3.113. The report states that the development is expected to result in a range of beneficial health outcomes, notably through the significant provision of new social infrastructure. This will assist in meeting demand for services, whilst also providing new opportunities for work and boosting the sustainability of the settlement.
- 3.114. The development themes have potential to provide positive health outcomes once the development is complete and operational, including in relation to the delivery of high-quality housing including affordable housing, thus helping alleviate some of the issues associated with housing barriers in the Local Impact Area. The provision of a variety of new high-quality homes across a range of sizes, types and tenures can help reduce overcrowding, increase the proportion of younger people in Sellindge and improve general health through active lifestyles. The application will also deliver enhanced social infrastructure for residents of the village including medical facilities

and secures land for primary school expansion. The outline design seeks to encourage healthy habits and active travel from a young age, as well as including open / play space and convenient access to the countryside.

- 3.115. Planning should seek to promote healthy, successful places for people to live and work in. This can be achieved by providing the homes, jobs and services that people need, reducing environmental risks and delivering well-designed buildings and urban spaces which will create the conditions for healthy, active lifestyles. It is considered that the proposed development achieves this objective as no negative impacts to health have been identified.

#### Landscape and Visual Impact Assessment

- 3.116. The site consists of several agricultural fields located around Elm Tree Farm. The site is located to the north of the M20, on Ashford Road on the north-western edge of Sellindge.
- 3.117. It is considered that the site itself does not represent a “valued landscape” with reference to para 174(a) of the NPPF as it contains no remarkable or unusual features.
- 3.118. The site itself is not subject to any national or local landscape designations which relate to character or value; however, it is noted that the Kent Downs NL lies approximately 1.2km to the north and the site is considered within its setting. Gibbons Brook SSSI is located 600m to the east of the site beyond Swan Lane. This SSSI is mainly marshy grassland, but also contains streams, ponds and small areas of bog and dry acidic grassland. There are no other areas of designated landscape within the immediate setting of the site.
- 3.119. The report states that in reviewing effects upon the landscape character, it is considered that whilst some change is acknowledged to the site itself, this change is limited to the southern parts of the site and quickly reduces adjacent to sensitive areas in the immediate setting to the north and west and furthermore within the wider setting. The character of the site is strongly influenced by the settlement edge of Sellindge on its south and east boundaries and by the road and rail infrastructure adjacent to this. The sites northern and western boundaries are more influenced by the open countryside and the setting of the Kent Downs NL. The proposals respond to these influences by limiting development to the south of the site adjacent to the established edge of Sellindge and by creating a new open space with a strong landscape structure of hedgerows, tree planting and wildflower meadow in the north. Additionally, the development will be set back and include landscaping on all boundaries to ensure it integrates well with existing development and adjacent land uses.
- 3.120. It is considered that the proposals would not give rise to any significant long term adverse effects upon the key characteristics of the NCA 120 ‘Wealden

- Greensand' or the Sellindge Plateau Farmlands as identified within The Landscape Assessment of Kent (2004) and other published assessments.
- 3.121. The development proposals would be closely aligned with the Landscape Actions identified within The Landscape Assessment of Kent (2004) which include:
- Create a new framework for this transitional landscape which respects the open, arable use, transport corridors and adjacent small scale character area patterns.
  - Existing built form and settlement edges need to be defined, and the impact of the many visual detractors needs to be controlled.
  - This landscape presents an opportunity to create new landscape features.
  - Restore ecological interest to selected areas of arable land by sensitive management.
- 3.122. The development would not result in the loss of any important landscape features and would not introduce a land use which is uncharacteristic in this localised landscape setting. Therefore, it is concluded that the proposals can be integrated without significant adverse effects upon the localised or wider landscape setting.
- 3.123. Views of the site are localised because of topography, mature woodland and existing development which characterises the immediate and local setting of the site. From the wider countryside, the planting associated with the large private properties to the west of Moorstock Lane which includes Moorstock House, Moorstock Farm and Guinea Hall, limit views of the site from the west and north west. From the north east and east, Great Priory Wood and Gibbons Farm restrict views of the site from the south and east, the existing settlement of Sellindge and associated vegetation prevent clear views of the site.
- 3.124. The site is located on relatively low ground, and its features are contained by the surrounding hills, and it does not break the horizon. Consequently, the proposals can be integrated within this context and would not give rise to significant long term adverse effects upon the localised or wider visual environment. The proposals would also not be visually prominent over medium or long distances and will not harm the public's enjoyment of the countryside, the NL, or the wider PRow network. It is therefore considered that the proposals can be integrated without significant long term adverse effects to the receiving visual environment.
- 3.125. Around the site itself, the land consists of open fields with few landscape features of significance except for field boundaries and isolated groups of trees. The site is open to views from the PRow that cross it including HE295 and HE299. However, when heading south on these routes, the development edge of Sellindge is prominent and new housing will be seen

in this context. Potentially, the development proposals will establish an improved visual edge to Sellindge, when seen from the countryside to the north, by creating a strong landscaped boundary on the sites northern edge. However, it is accepted that these routes will change from open countryside to developed land and this will be a significant change to their visual environment.

- 3.126. Overall, it is considered that the proposals comply with the aims and objectives of the NPPF, adopted local plan policies, and published landscape character assessment. The site is characterised by having few internal features of note and design solutions have been included which ensure the high-quality design of the built elements respects the localised character. The development would comply with all development management policies and therefore impacts / effect would be mitigated as far as considered reasonable by policy.
- 3.127. It is considered that the site and receiving environment have the capacity to
- 3.128. accommodate the proposals. The proposals would not result in significant harm to the landscape character or visual environment over the longer term and, as such, it is considered that the development could be successfully integrated in this location and is supportable from a landscape and visual perspective.

#### Transport Assessment with Addendum

- 3.129. The site benefits from a sustainable location and there are already several everyday amenities in Sellindge which residents could conveniently access by walking. The proposed community facilities would strengthen the designated Rural Centre in Sellindge, in line with the Folkestone & Hythe Core Strategy.
- 3.130. Safe and suitable access for all users can be achieved to the application site. The site would take principal access from the A20 Ashford Road and emergency access from Moorstock Lane. The proposed scheme would also provide pick up and drop off facilities for Sellindge Primary School.
- 3.131. The TA provides a assessment of forecast traffic conditions using highly robust assumptions. This includes the Elm Tree Park development, the committed Grove Park development in Sellindge and Otterpool Park.
- 3.132. At the A20/A261 Hythe Road junction a mitigation scheme has been identified such that the junction would remain within capacity. All other assessed junctions would remain within capacity with the additional development traffic
- 3.133. The addendum is submitted to accompany the amended plans and relates to the revised access arrangement and internal highway layout for the site. The internal highway layout complies with relevant design guidance, and the proposals would include safe and suitable access to the development site for all users.

- 3.134. The proposed quantum of development on the site would be unchanged, so the traffic assessment set out in the original Transport Assessment still applies with the same conclusions.
- 3.135. The proposed development would therefore be acceptable in relation to adopted transport and highways policy.

#### Ecological Appraisal

- 3.136. The site surveys including a standard extended Phase 1 methodology, with an updated habitat survey. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats, Badger, Dormouse and Great Crested Newt.
- 3.137. The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Gibbins Brook Site of Special Scientific Interest (SSSI) located approximately 0.7km east of the site. The nearest non statutory designation is Harringe Brooks Wood Local Wildlife Site (LWS) located approximately 1.7km south of the site. All of the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals, subject to nutrient neutrality measures in regard to the Stodmarsh designations.
- 3.138. The site is dominated by arable farmland, with other habitats including semi improved grassland, tall ruderal vegetation, scrub, hedgerows, trees, a pond, ditches, buildings, bare ground and hardstanding. The hedgerows form a Priority Habitat type and would be largely retained under the proposals. Small sections of hedgerow are proposed to be removed to facilitate access and the drainage proposals. This would be compensated by new, native species-rich hedgerow planting. The remaining habitats within the site are not considered to form important ecological features and their loss to the proposals is considered to be of negligible significance.
- 3.139. The site generally offers limited opportunities for protected species, although foraging and commuting bats and birds have been recorded, whilst offsite ponds are known to support Great Crested Newt. Appropriate mitigation measures including a sensitive lighting strategy, District Licensing in relation to Great Crested Newt and precautionary safeguards during habitat clearance will therefore be implemented to safeguard these species. Long-term habitat opportunities would be maintained, if not enhanced, under the proposals through new landscape planting and provision of nest boxes.
- 3.140. The proposals present the opportunity to secure a number of biodiversity net gains, including wildflower grassland and wetland habitat creation, new roosting opportunities for bats, and more diverse nesting habitats for birds.

- 3.141. The report concludes that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, it is considered unlikely that the proposals will result in significant harm.

#### Nutrient Neutrality Assessment and Mitigation Strategy

- 3.142. In 2018, the European Court of Justice refined the definition of plans and projects and ruled that mitigation needs to be in place to ensure that there will be no likely significant effect on the conservation status of designated sites (the Dutch Case). Additional nutrient loading to designated sites already in an unfavourable conservation status is necessarily limited unless mitigation is in place. In the Stour River catchment in East Kent, developments could adversely affect the designated site known as Stodmarsh. Several of the nature reserve lakes are in a state of eutrophication (an unfavourable conservation status) and therefore the ruling of the Dutch Case applies. All developments in the catchment must demonstrate 'nutrient neutrality' in order to ensure no adverse effect on the integrity of the designated site, meaning that the nutrients generated by the development must be less than or equal to the nutrients generated by the existing land use.
- 3.143. An adverse effect on Stodmarsh cannot be ruled out from the development, in the absence of any mitigation.
- 3.144. It was found that the land use change is sufficient to completely mitigate the phosphorus budget of the site. It is proposed that the remaining nitrogen budget is offset through Sustainable Drainage Systems and the procurement of nitrogen "credits" from a surplus amount from the Conningbrook Wetland (ABC planning ref: 22/00051/AS), until Sellindge wastewater treatment works is upgraded under the Levelling Up and Regeneration Act, and credits will no longer be required. The SuDS elements of the strategy will be maintained according to the appropriate maintenance schedule.

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

- 4.1 The relevant planning history for the site is as follows:

Y00/1277/SH Outline application for residential development Withdrawn by Applicant

#### **5. Consultation**

Ward Members: No comments.

5.1 The consultation responses are summarised below.

### **Consultees**

#### **First consultation**

**Selling Parish Council:** Object. Comments as follows:

1. The site is not within the adopted plan, nor is it within the CSD9 Masterplan for Sellindge
2. Highways issues, and extra traffic on the A20:
3. Access to the school, Elm Tree Farm House and to the proposed development are very close together which will be dangerous;
4. Using grade 2 agricultural land, and loss of open vistas within the village, and which will be seen from the NL;
5. History of problems with waste water, that causes sewerage that overflows in the field;
6. Light and noise pollution;
7. Shortage of water
8. Electricity has been cutting out more often across the village recently.

If approved, the following would be required:

- Larger buffer zones around the perimeter of the development;
- A S106 contribution towards the village hall, towards a new roof and/or a contribution to the new Council office;
- Proposed dwellings to incorporate EV charging points;
- Any planting should be carried out prior to the start of the work;
- Traffic management should be in place and adhered to, so that no deliveries take place at drop off and pick up from the school;
- Kent Highways would need to agree a reduction in the speed limit to 30mph;
- An upgrade of or an additional crossing would be required, funded by the developer to maintain safe walking if accessing the village hall.

**Romney Marsh internal Drainage Board:** No comment.

**Environment Agency:** No comment.

**Kent Fire & Rescue Service:** Emergency access requirements for the Fire and Rescue Service appear to have been met.

**Natural England:** Further information required to determine impacts on designated sites. Requirement for LPA to undertake a Habitats Regulations Assessment (HRA) to ensure that the proposal will not have an adverse effect on the SAC, SPA, Ramsar Site, SSSIs and Nature Reserve.

**Southern Water:** Further information and design updates required.

If approved, a condition to be added to require occupation of development to be phased/implemented in line with the delivery of Southern Water network reinforcement. Condition required for SUDS scheme to be agreed with LPA.

**NHS:** LPA to incorporate ring-fencing of land (and transferral at nil cost to the NHS)/contributions within S106 agreement (if approved).

At this point in time, the Integrated Care Board has not identified the need for this site to deliver a new medical facility and has yet to receive a formal application from the existing Sellindge practice for a new premises.

**Kent Downs National Landscape Unit:** Requests further information.

The site the subject of this application site is not identified in the Local Plan as being an area where development is envisaged however, the principle of whether the complies with policies relating to sustainable development in the Development Plan and whether it is appropriate to deal with a strategic scale development outside of the Local Plan process are for the judgement of the Council.

With regards to potential NL impacts, residential development in this location would be closer to the NL boundary to the north than the envisaged developments at Sellindge and the site does relate as well to the existing settlement boundary, extending out to the north into largely undeveloped countryside beyond existing built form at Sellindge.

As noted in the LVIA accompanying the application, the site is on generally low lying ground and views of the site from the Kent Downs AONB to the north are likely to be largely curtailed by intervening topography. The LVIA does not include a ZTV, which would be helpful, and the photographs included within it that are taken from viewpoints within the AONB are not of sufficient clarity to be able to assess whether we agree with the conclusions reached about impacts on views from the AONB. However, were development to take place on the site, it would generally be seen within the context of existing built form at Sellindge and subject to the mitigation principles set out, we consider potential impacts on the setting of the AONB are likely to be capable of being mitigated.

In that respect, we are in general agreement with the proposed landscaping strategy and heights parameter plan included in the application, although we do raise some concerns that the landscaping strategy, which incorporates significant tree planting in the open space to the north of the area of proposed

development, is not fully reflected in the Open Space Parameter Plan. It will be important that planting both along the northern boundary and within the developable part of the site is enhanced, particularly with semi mature trees with large crowns to ensure that the development 'knits into the landscape fabric' and the setting of the Kent Downs NL is conserved and enhanced. Material choice will be important as well, and in particular the need to avoid pale colours (such as white/cream render or weatherboard) on elevations visible from the Kent Downs AONB to the north, however this is a matter that could be dealt at the RM stage.

**Kent County Council Ecological Advice Service:** Additional information required in respect of nutrient neutrality information.

**Kent County Council Flood & Water Management:** No objection – further information required. Suggested conditions included within comment.

**Kent County Council Highways and Transportation:** Design changes required. Applicant to apply for highways works separately prior to commencement of development.

**Kent County Council Developer Contributions:** Request contributions towards education and SEND provision.

**Kent County Council PROW and Access Service:** Holding objection, until further information submitted regarding PROW diversion. Request a S106 contribution as mitigation for the impact on PROW network. Encourage native planting within 2m of the PROW.

**National Highways:** No objection stating that they are satisfied that the development would not have a severe impact on the Strategic Road Network (M20). Travel Plan condition is proposed to be added to a decision notice, if approved.

**County Archaeologist:** No Objections with suggested conditions for further archaeological work and mitigation.

**Environmental Health Officer:** No objections subject to the imposition of the councils standard 5 part contamination condition.

**Second consultation following submission of amended plans and additional information:**

**Sellinge Parish Council:** Object. Comments as follows:

Proposal is not allocated and contradicts settlement boundaries by being in open countryside. Considers Sellindge has already had disproportionate housing growth and lacks adequate infrastructure (healthcare, drainage, traffic capacity) to support further development. Concerned about irreversible environmental harm including loss of agricultural land and the nearby Kent Downs AONB, while altering the village's rural character. Requests a number of contributions to be secured by S106 Agreement.

**Kent County Council Highways and Transportation:** No objection subject to the following requirements being secured via condition:

- Surface water drainage to prevent discharge onto the highway;
- Completion and maintenance of the access shown on submitted plans prior to occupation;
- Provision and maintenance of visibility splays prior to occupation;
- Submission and approval of relocation of bus stops, bus stop border kerb and shelter design;
- Completion and maintenance of proposed highway works prior to occupation;
- Submission and approval of an uncontrolled crossing point at A20 near St Katherine's Crescent (east side), prior to occupation;
- Submission and approval of a puffin crossing prior to occupation;
- Submission and approval of road infrastructure details;
- Construction Management Plan prior to commencement of development.

**Kent County Council Lead Local Flood Authority:** No objection. Summary of response: Discharge rates must be reassessed based on final layout, with each development zone equalling greenfield runoff rates for respective contributing areas and demonstrate that volumetric runoff doesn't increase in line with Non-Statutory Technical Standards (2015).

Requests conditions to address surface water drainage and flood risk management:

- Runoff rates - Limit to greenfield rates, handle 100-year storms
- Drainage scheme - Detailed sustainable system before development starts
- Verification report - Prove system built correctly before occupation.

**River Stour Internal Drainage Board:** No objection with comments summarised as follows:

Some concern of the potential for increased surface water discharge from this upstream development into their district, into their maintained watercourse (IDB017 – Horton Priory Dyke). Land Drainage Consent required from Kent County Council for any works affecting water flow in ditches or watercourses. If surface water from new impermeable areas flows into the IDB district, a Surface Water Development Contribution (SWDC) will be required and a £200 per new property fee applies for accommodating treated effluent volumes.

**County Archaeologist:** No objection subject to archaeological conditions due to expected below-ground remains across the site. Recommend a phased approach requiring archaeological evaluation before development, followed by further investigation or preservation measures, and a post-excavation assessment report.

**Kent County Council Developer Contributions:** No objection. Requests S106 contributions for education (29 primary and 21 secondary pupils generated), plus CIL contributions for adult social care, community learning, youth services, libraries, and waste disposal.

**Kent County Council Public Rights of Way:** Concerned about inconsistencies in how public footpaths HE229, HE295, and HE296 are shown across different plans. A PROW Management Scheme is requested via planning condition, and Section 106 contributions requested for path improvements to mitigate increased usage and visual impact from the development.

[CPO Comment: Any contributions towards footpath upgrades would be secured by CIL].

**Natural England:** No objection stating that appropriate mitigation should be secured to ensure that Stodmarsh SAC/SPA/Ramsar site and Stodmarsh SSSI are not negatively impacted. Agree with the Council's appropriate assessment conclusions that the proposal will not result in adverse effects, provided all proposed mitigation measures are secured via conditions.

**Environment Agency:** No comment – application falls outside their statutory consultation remit.

**National Highways:** No objection stating that a travel plan condition should be attached to any planning permission. Confirms the revised submission does not alter the proposal's impact on the Strategic Road Network (M20).

**Kent Fire and Rescue:** No objection.

**Active Travel:** No comment – below their statutory consultation thresholds of 150+ dwellings.

**Kent Downs NL Unit:** Comments summarised as follows:

Previous comments advised that if development were to take place here, it would be seen within context of existing built form at Sellindge and requested clarity on the proposed landscaping strategy, in particular along the northern boundary of the site. As previously advised, it is considered important that planting both along the northern boundary and within the developable part of the site is enhanced, particularly with trees that have the capacity to form large crowns to ensure that the development 'knits into the landscape fabric' and the setting of the Kent Downs National Landscape is conserved and enhanced. The Parameter Plan incorporates only a narrow landscape buffer against the edge of the houses on the northern boundary with land beyond shown as fallow farmland; it is considered that tree planting needs to be significantly increased.

Material choice will be important with the need to avoid pale colours (such as white/cream render or weatherboard) on elevations visible from the Kent Downs NL to the north. The NL unit are strongly opposed to the use of white feather edge boarding on any north and east facing elevation.

[CPO Comment: Amended plans and additional information have been received to address these comments including a detailed materials palette and increased buffer landscaping. Detailed design of the dwellings would also be a matter for future RMs].

### **Public/Neighbour Consultation**

5.2 143 neighbours directly consulted. A total of 215 responses have been received in respect of this application.

5.3 I have read all of the letters received. The key issues are summarised below:

First consultation

5.4 A total of 156 responses were received between the original submission of the application and the point at which the revised scheme proposals were submitted. Of these responses, 149 objected to the scheme. The key recurring points of objection are as follows:

- The village has already seen a high amount of development;
- The site is not allocated;
- Issues re. sewerage/surface water flooding;
- Traffic concerns / safety concerns with the school; and
- Strain on local services, including local roads, schools, doctor's surgeries and broadband.
- There were no specific 'requests' from the public regarding new services/facilities in their comments.
- Many comments expressed that the existing GP surgery does not have enough staff in its current state. The comment from Sellindge GP Surgery confirmed that their current lease is coming to an end, and the doctor's surgery proposed as part of the application would be a replacement facility which would be fit for purpose for a growing community.

5.5 Out of the 7 comments in support, the following key points were raised:

- There is a shortage of housing (particularly for younger people);
- A new larger GP surgery in the area;
- Land for the extended primary school is a benefit of the scheme;
- Provision of open spaces and ecological areas that are accessible to local people; and
- Opportunities for people to use the walking routes that will connect through to the Sellindge Sports and Social Club.

#### Second consultation

5.6 A total of 59 further objection responses were received following the submission of the revised scheme on 19 December 2024.

5.7 The key reasons for objection are highlighted below:

- The village has already seen a high amount of development;
- The site is not allocated;
- Issues re. sewerage/surface water flooding;
- Traffic concerns / safety concerns with the school;
- Impacts to the local landscape character and nearby heritage assets;

- Increase in light pollution and impact on wildlife;
- It is an outline application and therefore the final layout is not known; and
- Strain on local services, including local roads, schools, doctor's surgeries and broadband.

These matters and other material considerations relevant to the application, are considered as part of the assessment of the proposals below.

5.8 The following issues were raised but are not considered to be material considerations and have been given no weight in the consideration of this application:

- Impact on the value of houses locally; and
- Increase in crime locally.

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

[Planning Register](#)

## **6. Planning Policy**

6.1 The Development Plan comprises the Core Strategy Review (2022), the Places and Policies Local Plan (2020), the St Mary in the Marsh Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).

6.2 The relevant development plan policies are as follows:

### Places and Policies Local Plan 2020

- HB1 - General Criteria
- HB2 - Cohesive Design
- HB3 - Space Standards
- HB4 - Self-build and Custom Housebuilding Development
- C1 - Creating a Sense of Place
- C3 - Provision of Open Space
- C4 - Children's Play Space
- T1 - Street Hierarchy and Site Layout
- T2 - Parking Standards
- T3 - Residential Garages
- T5 - Cycle Parking
- NE1 - Enhancing and Managing Access to the Natural Environment
- NE2 - Biodiversity
- NE3 - Protected Landscapes and Countryside
- NE5 - Light Pollution and External Illumination

- NE7 - Contaminated Land
- CC1 - Reducing Carbon Emissions
- CC2 - Sustainable Design and Construction
- CC3 - SUDS
- HW2 – Improving the Health and Wellbeing of the Local Population and Reducing Health Inequalities.
- HW3 – Development That Supports Healthy, Fulfilling and Active Lifestyles
- HW4 - Promoting Active Travel
- HE2 - Archaeology

#### Core Strategy Review 2022

- SS1 - District Spatial Strategy
- SS2 - Housing and Economy
- SS3 - Place-shaping and Sustainable Settlements
- SS5 - District Infrastructure Planning
- CSD1 - Balanced Neighbourhoods
- CSD2 - District Residential Needs
- CSD4 - Green Infrastructure, Open Space, and Recreation
- CSD5 - Water and Coastal Environmental Management
- CSD9 - Sellindge Strategy

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

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

##### Kent Design Guide

- Section 1 - The value of good design
- Section 2 – Creating the design
- Supplementary Guidance - Residential Parking

Sellindge Parish Plan: Whilst this document is a material consideration it can be given little weight because it has not been adopted by the Council.

#### **Government Advice**

##### National Planning Policy Framework (NPPF) 2024

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

The following sections of the NPPF are relevant to this application:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 10 - Supporting High Quality Communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Planning Policy Guidance (PPG)

Technical Housing Standards – nationally described space standards

## **7. Appraisal**

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

- a) Whether the principle of development is acceptable?
- b) Whether the approach to affordable housing, housing mix, self/custom builds is acceptable?
- c) Whether the approach to design quality, layout, density, building heights, scale and massing is acceptable?
- d) Whether the impact on heritage assets is acceptable?
- e) Whether the landscape and visual impact is acceptable?
- f) Whether the open space / play strategy is acceptable?
- g) Whether the highways impact, parking and cycle provision is acceptable?
- h) Whether the impact on residential amenity is acceptable?
- i) Whether the approach to archaeology is acceptable?
- j) Whether the approach to ecology and biodiversity is acceptable?
- k) Whether the approach to flood risk, surface water and drainage is acceptable?
- l) Whether the approach to contamination is acceptable?
- m) Whether the loss of agricultural land is acceptable?
- n) Housing land supply and the tilted balance
- o) Habitats Regulations Assessment

p) Whether planning obligations are necessary?

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

- 7.2 Central Government guidance set out within the NPPF states that Local Planning Authorities (LPA's) should support the Government's objective to significantly boost the supply of homes and that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 7.3 Whilst the site is not allocated within the local plan for housing development, the NPPF makes it clear that windfall sites, defined as 'sites not specifically identified in the development plan' can make an important contribution to housing delivery, stating that LPA's should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. Likewise, policy SS1 of the Core Strategy seeks to direct development to existing settlements.
- 7.4 The NPPF requires that LPAs identify, and update annually, a supply of sites sufficient to provide five years supply of housing against their housing requirements. The guidance also permits LPAs to make an allowance for windfall sites in the five-year housing supply, in addition to site allocations. Due to the evidence of historic delivery in the district, the local plan takes this approach and includes windfall assumptions in the 5-year supply, and overall plan targets.

Planning policies and decisions should avoid the development of isolated homes in the countryside except in exceptional circumstances, as set out in the NPPF and policy HB7. The NPPF also provides specific guidance on what is considered sustainable development in the rural areas:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby' (Para 83).*

- 7.5 In light of the above, whilst the NPPF and adopted planning policy seeks to restrict housing development in the countryside, in favour of locations within existing settlements, it makes it clear that extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes) are acceptable. Further, whilst the term isolated home does not have a

formal definition within the NPPF its interpretation has been clarified through case law which confirms that isolated refers to locations physically separate from a settlement. As such whether new development is considered isolated depends on its spatial relationship to an existing settlement.

- 7.6 The application proposes a development of up to 105 residential dwellings together with commercial and community facilities on land that adjoins the edge of the existing settlement of Sellindge.
- 7.7 The District settlement hierarchy which underpins planning decisions, directs development to selected locations across the district to maximise use of existing infrastructure and support business and community facilities. Sellindge is identified as a rural centre within the settlement hierarchy.
- 7.8 Rural centres are larger or better-served rural settlements where there may be potential, subject to environmental impact, for modest expansion from their current built limits. The Core Strategy also notes that there is a particular contrast in size between the largest and smallest settlements in this category, so any growth should be proportionately limited in scale and well related to the existing built environment and infrastructure. Policy SS3(a) of the Core Strategy therefore states that development should not be of a size, scale or nature that is disproportionate to the level of services which a settlement is capable of providing and should preserve the character allowing it to maintain its status in the settlement hierarchy.
- 7.9 Whilst recent growth has been delivered in Sellindge through the broad site allocation policy CSD9, as stated above, the Core Strategy makes it clear that further opportunities for growth exist. As stated above, the NPPF states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Moreover, while sustainable transport modes should be prioritised, opportunities will vary between urban and rural areas, and this should be taken into account in decision-making. Section 9 of the NPPF is therefore clear that all sustainable travel modes should be considered rather than just walking and cycling.
- 7.10 Sellindge contains a range of services, vital for the settlement's residents, and provides important local facilities for day-to-day life which in turn contributes to its sense of place and minimises the need to travel. It is considered to be a sustainable location with existing services including a doctor's surgery, primary school, village shop/post office, village hall, sports and social club, shops, and a public house.

- 7.11 The closest bus stops lie directly outside the site on Ashford Road. Services 10 and 10A provide regular routes to Ashford to the west and Folkestone to the east. Westernhanger station lies approximately 4.7km (15-minute cycle) to the southeast, providing onward travel to Ashford, Dover and London. As such, the site cannot be considered to be physically out-of-the-way or isolated from services.
- 7.12 Against the above policy background, it is also clear that the proposed development would promote sustainable transport given that a range of destinations would be conveniently accessible on foot from the application site including the proposed local centre which would include amongst other things, a convenience store.
- 7.13 Likewise, there is a primary school adjacent to the site and nearby sport and leisure facilities, a village hall and other amenities which would all be conveniently located for walking. In addition, a number of pedestrian improvements are proposed along Ashford Road and within the site itself and the development would promote ultra-low and zero emission vehicles, through the provision of EV chargers for each dwelling.
- 7.14 The proposals in the context of the settlement as a whole, are not considered to be disproportionate, and the cumulative impact of the development upon the service provision within the settlement would not compromise the ability of these services to meet the day to day needs of the local community. Conversely, this plan led approach to growth could in turn maintain and/or even enhance the viability of these facilities.
- 7.15 As such, when sustainable travel is considered in the round, I consider that future residents of the development would be able to conveniently access local facilities through non-car modes of transport particularly cycling and public transport. This is not therefore a location where future residents would be overly reliant on car journeys.
- 7.16 In summary, the principle of windfall development in this location would be consistent with the spatial strategy's approach to sustainable distribution of housing development in the District. Subject to the detailed consideration of the proposals in relation to relevant policies in the adopted Local Plan as assessed below, as well as any other relevant material considerations I am satisfied that the principle of the residential development of the site is acceptable. Accordingly, there would be no conflict with NPPF paragraphs 108, 109, 114, 115 and 119 and policies SS1 and SS3.

**b) Whether the approach to affordable housing, housing mix, self/custom builds is acceptable?**

- 7.17 Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.
- 7.18 Policy CSD1 of the Core Strategy requires the provision of 22% affordable housing on development sites at any location within the district of 15 or more dwellings (or land >0.5ha) with 70% of these comprising of units for affordable rent. Policy CSD2 requires that development will provide a range of housing tenures including owner-occupied and private rented and affordable housing in accordance with policy CSD1.
- 7.19 The applicant agrees to providing a policy compliant amount of on-site affordable housing which, based on the estimated capacity of the site would equate to 23 dwellings. The affordable housing provision would be secured via s106 agreement. Further, whilst a matter of detailed reserved matters, I am satisfied that the affordable units are capable of being carefully integrated into the layout and design of the development and to be indistinguishable from the market housing element in the interests of creating a mixed and balanced community.
- 7.20 Whilst the application has been submitted in outline form, it is proposed that the development would comprise a mixture of 2, 3, 4 and 5 bed dwellings in the form of detached and semi-detached dwellings, terraces, bungalows and apartments, this broad mix is deemed to be suitable to meet the demands of the area, is broadly in accordance with the Strategic Housing Market Assessment (SHMA) and is acceptable.
- 7.21 Policy HB4 requires sites above qualifying thresholds to provide a proportion of homes in the form of self-build or custom house build plots for people wishing to commission or build their own homes in accordance with paragraph 63 of the NPPF. Moreover, policy HB4(2) requires all sites within the North Downs Area delivering more than 20 dwellings to supply no less than 5 per cent of dwelling plots for sale to self-build or custom housebuilders on the Council's register.
- 7.22 The proposed development for up to 105 dwellings should therefore deliver at least 5 self or custom build plots as a minimum. The applicant proposes that 5

self-build/custom build plots would be provided in accordance with the policy requirements which would be secured by a planning obligation.

**c) Whether the approach to design quality, layout, density, building heights, scale and massing is acceptable?**

- 7.23 High quality design is central to planning and the creation of high quality and sustainable buildings and places is fundamental to sustainable development. Achieving good design is about creating places, buildings and spaces that work well for everyone, are attractive, long lasting and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of places. Furthermore, good design has intrinsic benefits to health and wellbeing.
- 7.24 The NPPF frames high quality design as a non-negotiable part of sustainable development. It requires that LPA's define clear locally informed design standards and embed them in planning policies. Development proposals are then required to deliver enduring attractive context sensitive places that resonate with local character and community aspirations.
- 7.25 The National Design Guide (2019) further supports the principles of the NPPF and seeks to illustrate 'how well-designed places that are beautiful, enduring and successful can be achieved in practice'. This sets out ten characteristics of well-designed places.
- 7.26 The Council places great weight on quality place making and the Local Plan sets out a clear design vision for development. Policy HB1 of the PPLP sets out the councils approach to ensuring the creation of quality places through design stating that planning permission will be granted where the proposal:
1. Makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character;
  2. Facilitates circulation and ease of movement within the locality for all users, promoting low vehicle speeds, integrated resident and visitor parking and prioritising active forms of travel with roads, footways and paths appropriately located to allow for natural surveillance while maximising legibility;
  3. Creates, enhances and integrates areas of public open space, green infrastructure, biodiversity and heritage and other public realm assets;
  4. Does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of

loss of privacy, loss of light and poor outlook. In assessing the potential impacts of new build residential development on neighbouring dwellings, the Council will apply the same guidelines as for alterations and extensions set out in Policy HB8;

5. Provides a clear definition between the public and private realm, incorporating high quality hard and soft landscaping, boundary treatments, public open spaces and lighting, including details of future maintenance and management; and
6. Complies with other relevant policies within the development plan and responds positively to the design policies and guidance contained within relevant Town and Village Design Statements and Neighbourhood Plans.

7.27 In addition, policy HB2 of the PPLP relates to cohesive design principles and sets out that a high standard of layout, design and choice of materials will be expected for all new development and that materials should be sympathetic to those predominating locally in type, colour and texture.

7.28 The above policies are consistent with the NPPF which attaches great importance to the design of the built environment stating that planning policies and decisions should respond to local character and reflect the identity of local surroundings whilst not preventing or discouraging appropriate innovation or change (such as increased densities). Further, the NPPF seeks to ensure high standards of design and the raising of design standards more generally, stating that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

7.29 Whilst the application has been submitted in outline, with detailed matters of internal access, layout, appearance, scale and landscaping reserved for future consideration, the application is supported by a masterplan, parameter plans and a design code which sets out the indicative layout, proposed land uses, infrastructure and public spaces across the whole site. The masterplan is essentially the development blueprint and is intended to provide clarity about the overall vision for development and to provide confidence that the development could come forward in a cohesive manner. The use of masterplans and design codes are encouraged by the NPPF especially for larger development sites to help to secure a well-integrated, deliverable, high-quality development. With this in mind the following assessment considers the broad acceptability of the indicative proposals shown on the illustrative masterplan and the parameter plans submitted.

7.30 The masterplan has been shaped by the context of the site and the surrounding development, the location of the on-site public open space and to provide connectivity to the PROW network and surrounding streets. During the course of the application, officers have worked with the applicant and

- sought amendments to ensure that a high quality form of development could be achieved, including negotiating an improved indicative layout, increased landscape buffers and securing a commitment to a variety of different house types with enhanced detailing and variety/quality of materials to create the distinct character areas.
- 7.31 The development would be served by a single vehicular access (and separate emergency access) utilising the existing access from Ashford Road. As encouraged by the National Design Guide, the masterplan makes provision for a hierarchy of streets and demonstrates how a permeable and legible layout and movement network can be achieved within and across the site, particularly for pedestrians and cyclists via the public open space and connected paths.
- 7.32 The masterplan illustrates how a street hierarchy could be established, for example through variations in carriageway widths, careful approach to on-street vehicle parking and the provision of shared surfaces and I am satisfied that these could be refined through future reserved matters applications to provide for different character areas.
- 7.33 The location of open space, which would be extensive and run continuously through the site has been designed to be accessible and overlooked by surrounding properties. Landscape buffers would be retained and enhanced adjacent to the site boundaries to ensure privacy for existing residents, enhance visual amenity and biodiversity and also to preserve the setting of the adjacent listed buildings. Further, the masterplan includes an appropriately sized and designed landscape buffer to the countryside to the north.
- 7.34 In my view the illustrative masterplan demonstrates how the development could represent high-quality place making as required by policy HB1 of the Local Plan.
- 7.35 Paragraph 129 of the NPPF provides national guidance on achieving appropriate densities, stating that planning decisions should make efficient use of land, taking into account: need for housing; local market conditions; availability and capacity of existing and proposed infrastructure and the scope to promote sustainable travel modes; the area's character and securing well-designed, attractive and healthy places. In line with the submitted land use plan should planning permission be granted it is recommended that the overall amount of each area would be controlled by condition through the approval of the parameter plan to ensure that areas of built development do not exceed the maximum parameters shown and that areas of open space do not fall below the minimum size set out.
- 7.36 The approach to density is illustrated in the submitted addendum to the Design and Access Statement and demonstrates the development would be in the moderate to low density range with an overall density of approximately

17 dwellings per hectare (dph). The lowest density housing (up to 8dph) would be provided in the form of the self/custom build plots where detached dwellings on larger plots would be located to the western edge of the site. The highest density area would be located logically within the local centre comprising approximately 30dph and through the central areas of the site the density would equate to approximately 22dph with density decreasing towards the edges of the site and around the green spaces.

- 7.37 In light of the above, whilst density is one crucial element to achieving good design, in my view the maximum 105 dwellings proposed across the site would make both an efficient use of the land and enable the development to incorporate an appropriate range of densities for this edge of settlement location that would be sensitive to the character and appearance of the development in the immediate vicinity.
- 7.38 Building heights would respond to the local townscape and it is envisaged that the majority of built form would comprise 2 - 2.5 storey buildings. Variation in scale and massing could be provided through provision of garages or car ports and varied roof forms. There is also potential for key landmark buildings to be provided within the local centre up to a maximum of 3 storeys in height to provide focus and appropriate spatial containment.
- 7.39 Given the above, I am satisfied that the scale of development proposed would be consistent with the density ranges proposed across the site and is capable of appropriately responding to the site topography, local character and built form.
- 7.40 The masterplan is not prescriptive in determining the appearance of buildings within the site however the design guidance provides key principles relating to the built form whilst allowing some degree of flexibility. The design of the dwellings is envisaged to comprise of a combination of familiar traditional domestic building styles and forms together with contemporary designs which seek to emulate the varied context found in Sellindge. Further, the applicant has confirmed that materials would respond sensitively to local context, with a principle vernacular materials palette having been selected. These materials which include multi stock red brick, plain clay tiles and weatherboard would be acceptable. It is recommended that a condition is imposed on any planning permission to ensure that this high quality palette of materials is secured for any future reserved matters application.

**d) Whether the impact on heritage assets is acceptable?**

- 7.41 Paragraph 212 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.42 Paragraph 213 of the NPPF sets out that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 214 of the NPPF 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, where appropriate, securing its optimum viable use.
- 7.43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duties of Local Planning Authorities in regard to the protection of listed buildings. It states that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 7.44 The impact of the proposal on built heritage has been assessed within the Heritage Statement submitted with the application. The site is not located within a conservation area however; a number of grade II listed buildings are located within its setting.
- 7.45 The introduction of built form on the application site would inevitably change the rural character of the existing open land resulting in some harm to the setting of Elm Tree Farmhouse, Elm Tree Farm Barn and Lees Cottages which are located in close proximity to the site. I agree with the conclusions of the HS which states that while the proposals would amount to less-than-substantial harm to Elm Tree Farmhouse, Barn and Lees Cottages, this is considered to be on the lower end of the scale due to layout proposed which seeks to mitigate this harm by retaining significant open space and landscaped buffers between the development and the heritage assets which would in turn maintain their immediate rural settings.
- 7.46 In light of the above, whilst the harm would be at the lower end of the ‘less than substantial’ spectrum it needs to be weighed against the public benefits of the proposals in accordance with the statutory requirements set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF. The public benefits include the provision of 105 homes (including affordable and self/custom build homes), a new local centre with community facilities, land for school expansion, public realm enhancements and high-quality landscaping throughout.
- 7.47 The proposals are not considered to cause harm to Guinea Hall and Moorstock House and so their significance, special interest and setting would be preserved in line with s.66(1), the NPPF, and policy HE1.

**e) Whether the landscape and visual impact is acceptable?**

- 7.48 Policy SS1 of the Core Strategy seeks to protect the character of the countryside, landscape and villages from the adverse impacts of growth, but also identifies this area as being suitable for growth.
- 7.49 Policy CSD4 seeks to conserve and enhance the landscape and scenic beauty of the Kent Downs National Landscape, which is given the highest status of protection stating that development within the setting of the NL should be sensitively located and avoid or minimise adverse impacts. Likewise, policy NE3 protects the district's landscapes and countryside, and states that proposals should not detract from the distinctive character and special qualities of the NL and should not undermine the integrity of the predominantly open and undeveloped, rural character of the NL and its setting.
- 7.50 Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) further seeks to protect the landscape and scenic value of the countryside. Paragraph 182 of the NPPF relates to conserving and enhancing landscape and scenic beauty in NLs. It states that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated area.
- 7.51 Also of note are the changes introduced through the Levelling-Up and Regeneration Act 2023. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to NL's and replaces the previous Duty of Regard to NL's set out at S85 with a new, strengthened requirement that:
- 'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority ... must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'*
- 7.52 In practice this requires LPAs when making planning decisions to actively pursue the goal of conserving and enhancing natural beauty, not merely acknowledging it.
- 7.53 The site falls within the setting of the North Downs National Landscape which is located approximately 1.2km to the north. In addition, the site is within the Wealden Greensand National Character Area, the North Downs Special Landscape Area and the Greensand Belt - Sellindge Plateau Farmlands Landscape Character Area (LCA).
- 7.54 The Landscape Assessment of Kent (2004) identifies the key characteristics of the LCA which are:
- Flat to undulating plateau farmlands on good quality soils.

- Open arable landscape with pasture locally important on more undulating ground.
- Small copses and gappy hedgerows on undulating ground.

7.55 In terms of condition, the LCA is described as a fragmented landscape with little clear pattern and many visual detractors associated with transport infrastructure and linear development. Agricultural buildings and fences are also considered to detract from the view and the area by virtue of being predominantly intensive arable farmland is considered to have very limited potential for natural habitats. Further, it is assessed that the condition of rural heritage features such as tree cover is poor and built form has a high negative impact on the area. Turning to sensitivity, the LCA, whilst being highly visible is therefore of moderate sensitivity.

7.56 Notwithstanding this a number of actions are identified within the Landscape Assessment of Kent to restore and create the landscape which can be summarised as follows:

- Create a view landscape framework using small woodland and copses
- Create ecological diversity within arable farmland
- Restore historical landscape framework in key areas immediately around the remaining farming settlements
- Create landscape features to define linear settlements and transport corridors

7.57 The application is supported by a Landscape and Visual Impact Appraisal (LVIA) to assess the proposals in relation to landscape impact. This concludes that as a result of the development there would initially be a medium magnitude of change/medium sensitivity, resulting in a Moderate Adverse effect at Year 1. In the longer term, at year ten, due to the establishment of mitigation planting, it is considered that the perceived magnitude of change would reduce to Low, with the significance of the effect within the site becoming Moderate / Minor Adverse. It concludes that the site, its immediate surroundings and wider landscape context can accommodate the development without risk of adverse impact upon the landscape. It is considered that this assessment provides an accurate description of the application site and appraisal of the proposed changes, which correlates with my assessment undertaken during the site visit.

7.58 The applicants landscape strategy ensures that the majority of the existing trees and hedgerows to much of the development area would be retained, with new development generally sited to minimise impact upon the green asset, with the following elements of landscape and visual mitigation proposed:

- Protection of the significant trees and hedgerows defining the existing field boundaries;

- Provision of a significant buffer between development and the existing residential development at Swan Lane and Downs Way, as well as the adjacent retained arable land;
  - Retention and enhancement of existing significant vegetation and buffer planting to the Moorstock Lane frontage.
- 7.59 The retained vegetation would be safeguarded through the construction phase, to ensure that appropriate screening remains in place from commencement. Retained farmland and extensive tree planting within the northern buffer, are proposed to ensure that the proposed development would integrate sensitively with the wider countryside. The above landscape mitigations would be in accordance with the actions to restore and create as set out in the Landscape Assessment of Kent which is considered to be a benefit to the scheme.
- 7.60 Whilst the comments of the North Downs National Landscape Unit are noted, officers have, through the course of this application negotiated with the applicant to secure a larger northern buffer, large areas of open space, a landscape strategy that would align with the actions set out in the Landscape Assessment of Kent as well as the creation of new ecological features and improved access to the countryside. These are considered to be positive actions that align with the broader goals of nature recovery and increasing public engagement with protected landscapes and as such it is considered that the duty to seek to further the purpose of conserving and enhancing the natural beauty of the NL has been met.
- 7.61 In addition, I agree with the comments from the NL unit in respect of the materials palette and the need to avoid pale materials on any north or east facing elevations. Given that this application is in outline only this would be a matter for future reserved matters approval, the details of which would be subject to full statutory consultation in due course.
- 7.62 I accept the conclusions of the LVIA and recognise whilst there would be minor changes in settlement pattern and site vegetation characteristics, the landscape and visual capacity of the site to accommodate development has been confirmed. Whilst there would be some minor impact upon local views, overall, the development is considered to be of a type, scale, massing and appearance that would be suitable for its setting and importantly would not cause any notable adverse change in the prevailing landscape and visual characteristics of the area, including the NL.
- 7.63 In light of the above, I consider that the proposed development in terms of the key principles relating to layout, appearance and approach to landscaping would be of a high design quality, and I am confident that the proposal would represent an appropriate form of development that would sit sympathetically within the setting of the NL and help to preserve the rural edge setting. Therefore, in my view, the design of the scheme is in accordance with the aspirations of local plan policy and the NPPF.

**f) Whether the open space/ play strategy is acceptable?**

- 7.64 Although an outline application, the indicative Landscape Strategy Plan illustrates how the development layout could incorporate and respond positively to existing landscape features.
- 7.65 The application is supported by a Arboricultural Impact Assessment that assesses individual and groups of trees across the site. This sets out that only low-quality (Category C) tree stock would be removed which would have a limited effect on the site's visual arboricultural amenity.
- 7.66 No veteran, moderate quality, or high quality trees are proposed to be removed. The retention of significant trees aligns with policy HB1 but this this does not account for the proposed removal of trees which must be suitably compensated for within the scheme's detailed landscape plan which would be subject to reserved matters approval.
- 7.67 In addition, as stated above, significant new native street trees, native tree belts, ornamental and native hedges and wildflower planting are proposed, including to reinforce the existing natural landscape buffers along the site boundaries. In particular tree copses are proposed to reflect one of the key characteristics identified in the Sellindge Plateau Farmlands Landscape Character Area The proposals also seek to retain and enhance existing drainage ditches and ponds, including with native riparian planting.
- 7.68 Policy C3 sets out that for new developments of 20 or more dwellings the Council will require open space to be provided at the equivalent of 30.1 m<sup>2</sup> per person. This would be the equivalent of approximately 0.7ha of open space. Policy C4 also requires that where desirable children's play space shall be provided within larger developments.
- 7.69 The application would provide a significant uplift in on site public open space than the policy requires with 2.92ha proposed. The masterplan shows that amenity space would be distributed across the site and would provide a high quality entrance to the development with a village green proposed adjacent to Ashford Road which is also proposed to include a local play area.
- 7.70 The PROWs crossing the site would be retained and integrated into a green corridor connected by a network of footpaths to other parts of the site with the exception of a small diversion where the footpath crosses land that would be transferred to Kent County Council for the future expansion of the primary school.
- 7.71 I am satisfied that the open spaces would provide an appropriate quantum and variety of amenity spaces capable of enhancing biodiversity and the wellbeing of future residents and the wider community and would therefore be a significant benefit of the scheme. As landscaping is a reserved matter,

precise details of the open space and the tree and soft planting schedules would be subject to further assessment as part of future reserved matters applications. I recommend their delivery and management and maintenance arrangements be secured via a s106 planning obligation.

**g) Whether the highways impact, parking and cycle provision is acceptable?**

7.72 Paragraph 115 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and;
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

7.73 Paragraph 116 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

7.74 The application is supported by a Transport Assessment (TA) that assesses the likely effects of the proposed development on the capacity of the local road network, road safety, pedestrians and cyclists in combination with the other proposed/permitted developments in the surrounding area and the scope of mitigation required to accommodate additional vehicular journeys arising from the introduction of new residential uses at this location. The applicant has also undertaken a Stage 1 Road Safety Audit.

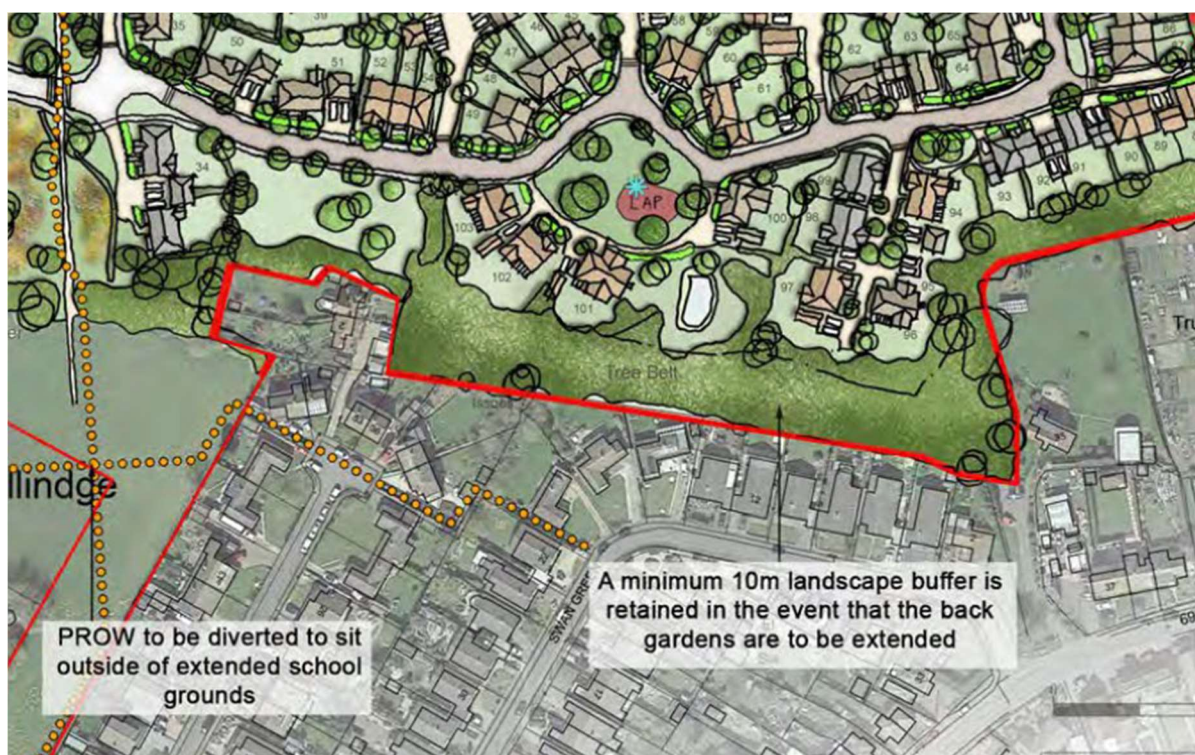
7.75 The site would take its principal access from the A20 Ashford Road frontage. In accordance with the Kent Design Guide the principal access would be a 5.5m width major access road with a 3.0m width shared footway and cycleway to one side. The new access would incorporate a right turn lane implemented slightly to the west. Further, the existing footway/cycleway along the north side of the A20 would comprise a raised table to prioritise pedestrian and cyclist movements over vehicle movements.

7.76 In response to the requirements of the Kent Design Guide, the proposal also incorporates a separate 3.7m wide emergency access from Moorstock Lane

- adjacent to the western boundary of the site. The emergency access would include retractable bollards to control vehicular access whilst allowing for unrestricted use by pedestrians and cyclists. The emergency access meets the minimum requirements for access for a fire tender as set out within the Building Regulations and Kent Fire and Rescue Service raise no objection.
- 7.77 The community uses proposed within the new local centre are expected to generate additional pedestrian demand, and so the development would provide an upgrade of the existing zebra crossing to a Puffin crossing. This approach is supported by KCC and would be secured by conditions.
- 7.78 The 30mph speed limit on the A20 through Sellindge would be retained, to balance appropriate conditions in a village setting with the strategic function of the A20.
- 7.79 The proposed development would also provide pick up and drop off facilities for Sellindge Primary School and the bus stops would be relocated with the specification to be agreed.
- 7.80 The TA concludes that safe and suitable access for all users can be achieved in relation to the development proposals. The Highways Authority raise no objection to the proposed development subject to conditions, and I am satisfied the development is capable of being safely accessed from the local road network in accordance with the requirements of the NPPF.
- 7.81 I note that KCC PROW Service maintains a holding objection due to requiring further information. As this is an outline application, these further details including clarity concerning the diversion of the footpath around the school land together with details relating to the width, surfacing and management both during construction and operational phases be secured through a condition requiring submission of a PROW Management Plan.
- 7.82 Policy T2 sets out the required parking standards for new residential development within the district. I am satisfied that the indicative layout is sufficiently flexible to ensure a policy compliant quantum of resident and visitor car parking can be provided as part of future reserved matters applications. In this regard, details (and provision prior to occupation) of car parking that complies with the relevant parking standards applicable at the time of submission of future reserved matters applications can be secured by condition. This should also include details of Electric Vehicle Charging infrastructure.
- 7.83 Proposals also need to provide 1 cycle parking space per bedroom either within the curtilage of a residential dwelling or in a secure communal facility. I recommend that details and provision of enclosed and secure cycle parking for all dwellings should also be secured by condition, in accordance with the requirements of Policy T5.

**h) Whether the impact on residential amenity is acceptable?**

- 7.84 Paragraph 135 of the NPPF indicates that planning decisions should create a high standard of amenity for existing and future users.
- 7.85 Whilst layout is reserved for future consideration, the indicative layout plan suggests that satisfactory distances can be maintained between the proposed and adjacent dwellings. As can be seen in the image below, a minimum 10 metre tree belt is proposed to the southern edge of the site.



- 7.86 Coupled with robust landscaping, I am satisfied that the development of the site could be achieved without causing harm to residential amenity through loss of light, privacy, immediate outlook or by having an overbearing presence. If permission were to be granted, conditions could be used to maintain privacy at reserved matters stage, should it be necessary.
- 7.87 The indicative layout plan suggests that gardens could be provided to a size which complies with the Council's external space standards, resulting in an acceptable level of private amenity space for future occupiers.
- 7.88 Given the above, I am satisfied that the development would not result in harm to the residential amenity of neighbouring or future occupiers and can comply with policy HB1 which requires development to be designed in a way that protects residential amenity.

**i) Whether the approach to archaeology is acceptable?**

- 7.89 The site lies within an area of multi-period archaeological potential and the current evidence for this is set out in the Archaeological Desk-Based Assessment which accompanies the application, along with a report on the results of a geophysical survey and Heritage Statement.
- 7.90 The existing evidence from the site and the surrounding area indicates that below ground archaeological remains can be expected to exist across the site although it is considered that agricultural cultivation will have had some impact. As such and as requested by the County Archaeologist, who raises no objections to the development, it is recommended that further archaeological work is secured (including field evaluation) by condition. I am satisfied that the imposition of this condition is sufficient to ensure matters relating to archaeology are mitigated.

**j) Whether the approach to ecology and biodiversity is acceptable?**

- 7.91 The NPPF outlines that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Further, the NPPF states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. This is endorsed by policy CSD4 which requires new development to deliver a net gain in biodiversity over the development lifetime.
- 7.92 The site is not subject to any national or local nature conservation designations, however Gibbons Brook SSSI is located 600m to the east of the site beyond Swan Lane.

- 7.93 The submitted phase 1 habitat survey identified that the majority of the site comprises habitats not of ecological significance, with hedgerows identified as features of value. These would be retained as part of the proposals whilst, new habitat provision is proposed where a loss cannot be avoided.
- 7.94 Specific surveys were also carried out in respect of bats, Badger, Dormouse and Great Crested Newt (GCN) which conclude that the site generally offers limited opportunities for protected species, although foraging and commuting bats and birds have been recorded and offsite ponds are known to support GCN. Appropriate mitigation measures including a sensitive lighting strategy, District Licensing in relation to Great Crested Newt and precautionary safeguards during habitat clearance will therefore be implemented to safeguard these species.
- 7.95 The County Ecologist has reviewed the application documents and raises no objections in respect of protected species. However, because there are ponds located nearby, the applicant is required to provide evidence that the development has been accepted into a District Level Licencing (DLL) scheme for GCN. As a result, it is recommended that should planning permission be granted, this would be subject to the applicant submitting a signed Crested Newt District Level Licensing Impact Assessment and Conservation Payment Certificate (IACPC).
- 7.96 Whilst no details of any lighting strategy have been submitted, I am satisfied that the principle of external lighting in this location would be acceptable and recommend that details of the external lighting strategy are secured by condition to ensure that it adequately balances and safeguards safety, amenity, biodiversity and the general objective of avoiding light pollution.
- 7.97 There is no statutory requirement for mandatory Biodiversity Net Gain in this application. Notwithstanding this, the NPPF states that planning decisions should contribute to and enhance the natural and local environment by amongst other things minimising impacts on and providing net gains for biodiversity. The applicant states that they are committed to achieving ecological enhancements within the development through new planting, habitat creation, bee bricks, and bat and bird boxes and I therefore recommend that a condition is imposed on any grant of planning permission requiring details of a biodiversity enhancement strategy for protected and priority species. In addition, it would also be appropriate to secure by condition, the submission and approval of landscape ecology management plan (LEMP) to further mitigate any concerns.
- 7.98 It is therefore considered that the development proposals would not result in significant harm to biodiversity and I satisfied that the applicant's approach to biodiversity and ecology is acceptable.

**k) Whether the approach to flood risk, surface water and drainage is acceptable?**

- 7.99 The NPPF states that inappropriate development in areas at risk of flooding should be avoided.
- 7.100 Policy CC3 relates to sustainable urban drainage systems (SUDS). Urban drainage has traditionally sought to move water quickly from land to the river system. This typically means surface water arrives in rivers and streams faster and in greater quantity, often resulting in increased flood risk.
- 7.101 SUDS are the primary means by which this increase in run-off should be mitigated. They can manage runoff flow rates to reduce the impact of urbanisation on flooding, protect or enhance water quality and provide a multi-functional use of land to deliver biodiversity, landscape and public amenity benefits. They do this by dealing with runoff as close as possible to its source and protecting water resources from pollution. They may also allow new development in areas where existing drainage systems are close to full capacity, thereby enabling development within existing built up areas.
- 7.102 It is therefore important that new developments should provide appropriate SUDS for the disposal of surface rainwater so that it is retained either on site or within the immediate area, or by other water retention and flood storage measures. SUDS should seek wherever possible to deal with surface water runoff locally, returning the water to the natural drainage system as near to the source as possible. In addition, development should not increase the overall runoff of the site compared to its greenfield rate.
- 7.103 The site is located within Flood Zone 1 which has the lowest probability of flooding.
- 7.104 A Flood Risk Assessment (FRA) has been submitted with the application which states that the risk of flooding from this development is considered to be low, and it is not anticipated that there will be any detrimental impacts to flood risk for this site, or the area as a whole.
- 7.105 The FRA has assessed flood risk from all sources, including rivers and the sea, surface water, sewers, groundwater and reservoirs. Although there are potential risks of surface water flooding to the site around the existing watercourse, the development parameter plan has been developed using a sequential approach avoiding built development in these areas. The development would, as a result, be considered to be at low risk of flooding from all sources.
- 7.106 Further, given that the application is in outline, a detailed SUDS strategy would be submitted at the reserved matters stage and as such, to date, a SUDS strategy has been developed using precautionary assumptions related to the management of surface water and the development layout. The strategy is designed by assuming all runoff from impermeable surfaces would be collected and discharged via attenuation basins and discharged at

a maximum rate equivalent to existing greenfield runoff rates for all return periods up to the 100 year return period rainfall including a 45% allowance for climate change. The SUDS strategy would therefore be refined as part of the reserved matters alongside the detailed design of the site layout. It is proposed that the final SUDS design would include roof water collection, rain gardens, bioretention areas, porous paving, filter strips and swales among other potential features to ensure quality and quantity targets are met in accordance with national and local policy.

- 7.107 In summary, based on the information submitted, I am satisfied that the site is at low risk of flooding from all sources subject to the implementation of mitigation measures, as outlined in the FRA. In addition, the flood risk to neighbouring properties would not be increased.
- 7.108 In relation to foul drainage, the applicant proposes that the development would connect to the existing combined sewer crossing the site with the final design undertaken when the layout is finalised as part of the reserved matters. In accordance with standard practice, a capacity check, and confirmation of any necessary sewer upgrades would be agreed with Southern Water prior to this.
- 7.109 KCC who are the Lead Local Flood Authority, and the Internal Drainage Board raise no objections to the principle of the proposed development and the aforementioned strategies subject to appropriate conditions and the relevant land drainage licences being obtained.
- 7.110 As a result, the proposed development would be in accordance with the local and national policies related to flooding and management of surface water and the NPPF.

**I) Whether the approach to contamination is acceptable?**

- 7.111 In respect of contamination, the applicant has undertaken a phase 1 geo-environmental assessment which suggests that given the former use of the site numerous contaminants are present or likely to be present including hydrocarbons (fuels and oils), agrochemicals and asbestos.
- 7.112 It is therefore recommended that a phase 2 intrusive investigation should be undertaken which includes chemical analysis of soil and groundwater, in conjunction with a programme of hazardous gas monitoring.
- 7.113 The Council's Environmental Health Officer has raised no objection to the development subject to a condition attached to any grant of planning permission which would secure further investigation, risk assessment and mitigation, in addition to a discovery strategy and reporting protocol should any unexpected contamination be encountered during the works. I consider such a condition to be reasonable to mitigate any concerns.

**m) Whether the loss of agricultural land is acceptable?**

- 7.114 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things) recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. In addition, whilst the NPPF does not preclude development on best and most versatile agricultural land (defined as grades 1, 2 and 3a – with grade 1 being the highest quality), where significant (not defined in the framework) development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 7.115 Policy HW3 of the Local Plan relates to opportunities to support healthy, fulfilling active lifestyles. The policy states that to increase, create and safeguard opportunities for healthy, fulfilling and active lifestyles and to reduce the environmental impact of importing food, development proposals should not result in the loss of best and most versatile agricultural land (grades 1, 2 and 3a), unless there are competing and overriding planning reasons for doing so, or mitigation is provided through the provision of productive landscapes on site or in the locality.
- 7.116 An Agricultural Land Quality Assessment has been undertaken by the applicant that confirms that the majority of the site is Grade 2 (very good) agricultural land with some small areas potentially grade 1 and grade 3A.
- 7.117 In terms of built development, the housing and other infrastructure would occupy approximately 8.29ha of the 17.87ha site (including the school expansion land). As such more than half of the site would remain undeveloped consisting of open space, landscaping, SUDS and fallow land. Further the proposals have been amended during the course of the application to increase the amount of fallow farmland to be provided in the northern area of the development due to concerns raised about the loss of BMV land.
- 7.118 In addition, it is important to weigh the benefits of the proposed housing against the harm caused by the loss of valuable farmland and any decision should consider whether the development aligns with local planning policies, the impact on the character of the area, and any potential conflicts with national planning guidance. Further, and of relevance, the sites allocated under the broad Sellindge site allocation policy CSD9 shows that grade 2 BMV land has not been a constraint to identify housing allocations and any development adjoining the settlement of Sellindge would likely involve BMV land. As such it is considered that the site would reasonably fit into a wider pattern that to sustainably accommodate the District's housing need would inevitably require some BMV land.

7.119 In conclusion, there would be a conflict with Policy HW3 however the NPPF does not preclude the loss of BMV land but does require at paragraph 187b) that the environmental, economic and other benefits of BMV are recognised. Given the very small proportion of the overall BMV resource within the District that would be affected and the fact that over half of the application site would remain undeveloped, I therefore give limited weight to the environmental and economic harm arising from the loss of good quality agricultural land in this case.

**n) Housing land supply and the tilted balance**

7.120 The Council is not currently able to demonstrate a five-year supply of housing, as required by paragraph 78 of the NPPF. The most recent published supply position was the Annual Monitoring Report 2023 – 2024 which covers the period from 2024/2025 - 2028/2029. This states that the Council is able to demonstrate a housing land supply position of 3.1 years including a 20% buffer.

7.121 The inability to demonstrate a five-year supply of deliverable housing sites means that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF (referred to as the ‘tilted balance’) can be engaged. Paragraph 11(d) states:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

7.122 Footnote 9 provides, inter alia, that this includes situations where the LPA cannot demonstrate a five year supply of deliverable housing sites. In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise where a five-year supply of deliverable housing sites cannot be demonstrated.

7.123 The tilted balance is engaged unless either of the criteria (i) or (ii) of paragraph 11(d) are met. Criterion (i) refers to policies in the Framework that protect areas or assets of particular importance, as listed in Footnote 7 of the NPPF. Among those listed are habitats sites. The site is located within the Stour catchment and as a result the new housing could have an impact on the

protected Stodmarsh Lakes, which are located in Canterbury. As the development could have an impact on the Stodmarsh designated sites, this could engage part (i) of paragraph 11(d) if the application of relevant policies on this matter would provide a strong reason for refusing the development. However, in the case that an Appropriate Assessment is adopted pursuant to recommendation B below, such that the development would not have an impact on the Stodmarsh designated sites, then the tilted balance would be re-engaged.

- 7.124 With the above in mind, paragraph 195 of the NPPF is also relevant, as it sets out that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 7.125 Finally, regarding part (ii), for the reasons set out in this report, I have not identified any adverse impacts that would reach the required bar so as to recommend a refusal of planning permission. The proposal complies with part (ii) and the tilted balance is therefore engaged.

#### **o) Habitats Regulations Assessment**

- 7.126 The Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which includes a Special Area of Conservation (SAC), a Special Protection Area (SPA) and a Ramsar Site. This advice relates to an increased level of nitrogen and phosphorus within the protected sites which is adversely affecting the integrity of the habitat of the lakes.
- 7.127 In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and/or which discharge to particular WwTW within the catchment should be the subject of screening under the Habitat Regulations and, where necessary, subject to an Appropriate Assessment, in order for planning permission to lawfully be granted.
- 7.128 Under the Conservation of Habitats and Species Regulations (2017 as amended), there are significant responsibilities conferred on the Council as a 'Competent Authority' which require the Council to only approve planning applications if there is no likelihood of a significant effect on any European designated nature conservation site. In order to assess whether this development would lead to a 'likely significant effect' a Nutrient Neutrality Assessment and Mitigation Strategy has been submitted.
- 7.129 The NNA outlines that the proposed development would introduce additional overnight sleeping accommodation, with associated wastewater loading. Foul

- sewage from the site would be treated at Sellindge WwTW and if unmitigated, the combined impact of change in land-use and the wastewater generated from the proposed development would increase the level of nutrients from the site.
- 7.130 To achieve nutrient neutrality for the proposed development in relation to nitrogen, the applicant has stated within the NNAMS this will be achieved through the use of sustainable drainage systems (SuDS) to treat surface water runoff from the site, which could include swales, ponds, soakaways, permeable paving, and bioretention zones. The applicant also states that the SuDS elements of the strategy will be maintained according to the appropriate maintenance schedule as listed in the CIRIA SuDS Manual C753.
- 7.131 Nutrient removal rates vary depending on the specific type of SuDS implemented, but CIRIA guidance indicates reduction of nitrogen removal rates of 40-50%. The calculations provided by the applicant in the NNAMS shows that a nutrient reduction due to SuDS of 30% for Total Nitrogen (TN) reduces the nutrient budget to 13.56 kgN/year. Therefore, more mitigation is needed to offset the remaining nitrogen load pre-2030. As set out in the NNAMS, it is proposed that the proposed development will use the excess TN credits that have been generated by the Conningbrook Wetland (planning ref: 22/00051/AS), to offset the remaining nutrient budget, thus reducing the budget to zero and meeting the nutrient neutrality requirements.
- 7.132 The Appropriate Assessment and Nutrient Neutrality Support document prepared by Aecom on behalf of the Council, agrees that nutrient neutrality should be achieved as part of the proposed development through the use of SuDS measures, but that there is a lack of detail regarding how this would be achieved. The document states that a condition is recommended to ensure that the applicant demonstrates that the proposed nutrient reduction values can be achieved once there is a detailed SuDS Strategy. It is also recommended that a SuDS Maintenance and Management Plan is subject to an appropriate planning condition that details how performance of the SuDS will be assured and funded for the lifetime of the proposed development.
- 7.133 The mitigation approach would therefore be secured by planning condition and legal obligation which allows further details of the design and ongoing management and monitoring to be agreed and ensures that the proposed development could not be occupied until fully functioning and effective SuDS are in place to provide the necessary nutrient removal.
- 7.134 In conclusion, the mitigation measures discussed above to reduce and offset TN reaching Stodmarsh will be fully implemented prior to the occupation of dwellings and can remain in place for the lifetime of the Proposal Development. The application documents have demonstrated the proposed development will result in no additional TN being discharged from the Proposed development via foul surface waters. Therefore, the proposed development will be nutrient neutral.

- 7.135 As the Appropriate Authority, it is for the Council to determine the significance of the development impact on Stodmarsh. In considering this, I consider the development has demonstrated that there would not be an increase in nutrient loading with the outlined mitigation strategy in place and it could be achieved as proposed without an adverse impact on the designated sites. As the Appropriate Authority an Appropriate Assessment has been carried out which is appended to this report, and it is proposed that the council adopts the Appropriate Assessment. Natural England have been consulted and raise no objections to the proposed mitigation or the council adopting the Appropriate Assessment.
- 7.136 In light of the above, I am satisfied subject to the mitigation proposed being secured that, the development would not have a significant adverse effect, either alone or in combination, on the integrity of the Stodmarsh SAC, SPA and Ramsar Site in order to enable an Appropriate Assessment under the Habitats Regulations to be adopted.

**p) Whether planning obligations are necessary?**

- 7.137 Regulation 122 of the Community Infrastructure Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Fairly and reasonably related in scale and kind to the development.
- 7.138 I recommend that the planning obligations in **Table 1** below be required should the Committee resolve to grant planning permission. In summary these are:
- Education contributions
  - 22% affordable housing
  - 5% self/custom build plots
  - Provision and maintenance of on-site open space and play.
  - Provision of medical facility
  - Transfer of school land
  - Nutrient neutrality mitigation

**Environmental Impact Assessment**

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

**Local Finance Considerations**

7.140 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £173.31 per square metre for new residential floor space and £138.65 per square metre of retail floor space. Whilst not a material consideration for the determination of this application in response to the comments of Sellindge Parish Council requesting monies for community facilities, these have not been sought because the application site is subject to the CIL.

7.141 Under the CIL Regulations, Regulation 59 requires the Charging Authority (Folkestone and Hythe District Council) to pass on a meaningful proportion of CIL to Town and Parish Councils in which the development takes place. It is anticipated that the Community Infrastructure contributions from this scheme would be in the region of 1.5 million of which the Parish Council would get 15% up to a cap of £100 per council tax dwelling within the parish.

### **Human Rights**

7.142 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.

### **Public Sector Equality Duty**

7.143 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.144 It is considered that the application proposals would not conflict with objectives of the Duty.

### **Working with the applicant**

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

## **8. CONCLUSION AND BALANCING EXERCISE**

8.1. This report assesses the planning benefits of the proposed development alongside the potential planning harms. The Council is required by statute to prepare a Development Plan and determine proposals in accordance with the provisions of that plan unless material considerations dictate otherwise.

8.2. The Council is not currently able to demonstrate a five-year supply of housing, as required by paragraph 78 of the NPPF. The most recent published supply position states that the Council is able to demonstrate a housing land supply position of 3.1 years. The inability to demonstrate a five-year supply of deliverable housing sites means that relevant policies for the supply of housing are considered out of date and the presumption in favour of sustainable development set out in paragraph 11 of the NPPF (referred to as the 'titled balance') is engaged.

8.3. The site is located outside of the settlement boundary and is not allocated for residential development however; it is concluded that the development of this site adjacent to the existing settlement of Sellindge would accord with the Council's spatial strategy to the extent that it would be consistent with the approach to residential windfall applications. The application site is in a sustainable location and is not isolated in terms of its location, benefitting from good access to public services. Further, the amount of development is not considered to be disproportionate to the scale of the existing settlement.

8.4. The development would result in the provision of up to 105 new dwellings which would make a meaningful contribution to addressing the Council's housing shortfall. Further, a policy compliant number of affordable homes (22%) are proposed to address local need as well as a policy compliant number of self-build/custom build plots. This is considered a benefit of the scheme and is given substantial weight.

8.5. In terms of the design of the proposal, whilst in outline, I am satisfied that the Development Framework demonstrates a form of development that would sit comfortably within the application site. During the course of the application, officers have worked with the applicant to ensure that these objectives are achieved, including negotiating amended drawings to provide an improved indicative layout and to provide certainty relating to the proposed character and quality of the built form. The design approach would be landscape-led with the masterplan appropriately incorporating and responding to the natural landscape features of the site, including trees.

- 8.6. The introduction of built development onto open agricultural land would inevitably result in some landscape and visual impacts; however, having regard to the medium to low sensitivity of the site and the fact that views would be relatively localised, I am satisfied that the identified impacts would not be significant and would be capable of being softened by the existing and enhanced landscaping proposed as part of the scheme.
- 8.7. The site lies within the setting of the National Landscape. Following amendments during the design process, the scheme incorporates strengthened landscape buffers, lower density edges facing the NL, the use of high-quality traditional materials, planting that reflects local landscape character, and the protection and enhancement of key views. These measures mean the scheme not only avoids significant harm but also actively seeks to further the statutory purpose of conserving and enhancing the natural beauty of the NL, consistent with the new legislative duty.
- 8.8. The loss of best and most versatile agricultural land can be justified for housing development when a local authority lacks a five-year housing land supply, as the need to address the significant shortfall in housing delivery becomes a pressing material consideration. National planning policy prioritises meeting objectively assessed housing needs to ensure an adequate supply of homes, which can outweigh the protection of BMV land in such circumstances. Without sufficient suitable alternatives, releasing BMV land may be necessary to prevent exacerbating housing shortages, support sustainable growth, and ensure local communities have access to affordable housing. This approach aligns with the presumption in favour of sustainable development, which requires planning decisions to proactively address unmet housing needs.
- 8.9. Whilst detailed landscaping is a reserved matter, the layout shows that the amount of public open space and recreation facilities would be acceptable and would far exceed the minimum required. The development would also provide public children's play facilities in accordance with planning policy requirements.
- 8.10. The development proposes the provision of a 550sqm doctors surgery, a 150sqm dentist surgery, a 372sqm convenience store and land for the expansion of the existing Primary School which is considered to be a benefit of the scheme and is therefore given moderate weight. This would help to reduce patient travel distances and improve access to healthcare for both existing and new residents. In addition, the small convenience store would provide walkable day to day shopping, reduce car trips and support more sustainable patterns of development.
- 8.11. In terms of economic benefits, the construction phase would provide local jobs and supply chain investment. New employment opportunities would also be created within the local centre. In addition, local spending from residents would help to support the vitality of nearby existing services.

- 8.12. The highways impacts of the development have been subject to robust assessment. The development is able to be safely accessed from the local road network and would not compromise highway safety. The proposals prioritise sustainable travel and an enhanced pedestrian network of footpaths. I concur with the Highways Authority that subject to conditions, there are no technical grounds for refusal on highway matters.
- 8.13. The strategy relating to surface and foul water drainage are considered to be acceptable with specific details to be submitted at the reserved matters stage.
- 8.14. There would be no ecology, contamination, air quality or archaeology impacts that are not capable of being mitigated. I am satisfied that the necessary infrastructure required by the relevant policies and to mitigate socio-economic impacts can be provided within the application site or satisfactorily provided off-site.
- 8.15. Whilst a low level of 'less than substantial' harm to the setting of the listed buildings in close proximity to the site has been identified, in accordance with the statutory requirements set out in the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and HE1 I am satisfied that the public benefits of the scheme, including the delivery of housing and affordable housing outweigh this harm.
- 8.16. The proposed new homes would be energy efficient (EPC 'A' rated) and would be fitted with EV charging points and ASHPs helping to mitigate the effects of climate change, by reducing greenhouse gas emissions and promoting sustainability.
- 8.17. The application is supported by a Nutrient Neutrality Strategy, and I am satisfied that sufficient information has been provided to allow the Council to assess the impact of the proposal on the Stodmarsh SAC, SPA and Ramsar Site under the Habitats Regulations. As such the development would not result in likely significant impacts subject to the proposed mitigation and it is recommended that the Appropriate Assessment is adopted.
- 8.18. I acknowledge that a number of representations have been received from interested parties and where they are material the matters raised have been taken into account in my assessment. In conclusion, for the reasons set out above, it is considered that this is an acceptable proposal for socially, economically and environmentally sustainable development.
- 8.19. Overall, it is considered that the proposed development of the site would be acceptable and that any residual impact can be mitigated through the imposition of suitable planning conditions. In balancing the environmental, social and economic impacts arising from the proposal, I am satisfied that the proposal accords with the Development Plan as a whole and that the presumption in favour of sustainable development in paragraph 11 of the

NPPF applies and this means ‘approving development proposals that accord with an up-to-date development plan without delay’. It is therefore recommended that planning permission be granted subject to conditions and completion of a s106 legal agreement.

## **9. BACKGROUND DOCUMENTS**

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council ([www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 23/1413/FH.

## **10. RECOMMENDATIONS**

- A) That planning permission be granted subject to the conditions set out below, and the applicant entering into a S106 legal agreement securing the details set out in Table 1; and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary:**
- B) That Members adopt the Appropriate Assessment under the Habitats Regulations 2017 (as amended) which identifies suitable mitigation proposals such that, would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to be given to the Chief Planning Officer, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as he sees fit to secure the required mitigation and any associated issues relating thereto.**

### Conditions:

1. Details relating to the access (with the exception of the highway access hereby approved), appearance, layout, scale, and landscaping (“reserved matters”) of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced, and the development shall be carried out as approved.

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

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission. The development hereby permitted shall be begun no later than the expiration of two years from the date of the approval of the Reserved Matters to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Approval of the details of the scale, appearance, layout and the landscaping (including boundary treatments) of for each of the self-build/custom-build plots (hereinafter called "Self-Build/Custom-Build Reserved Matters"), shall be obtained from the Local Planning Authority in writing before any development is commenced on the hereby approved self-build/custom build plots. All submissions shall accord with the self-build design principles as set out within the approved design code (May 2025) and the approved detailed plot passports (see condition 7 below), unless agreed in writing by the Local Planning Authority.

Reason: Such details are necessary for the full consideration of the proposal and have not, so far, been submitted.

4. Application for approval of the Self-Build/Custom-Build Reserved Matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 92 of the Town and Country Planning Act 1990.

5. The development referred to as the Self-Build/Custom-Build Reserved Matters, shall be begun before the expiration of two years from the date of approval of the reserved matters to be approved for each self-build plot.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Planning Statement September 2023

Drawings and Documents detailed in the Drawing Issue Sheet 01 (dated 28/08/25)

Transport Assessment Parts 1, 2 and 3 22-029-003 Rev A August 2023

Transport Assessment Addendum 22-029-005 Rev – December 2024

Nutrient Neutrality Assessment and Mitigation Strategy Rev P02 06/12/2024

Nutrient Neutrality Calculations and Credit Bank Log Book

Landscape and Visual Impact Assessment September 2023 7195.LVIA.003

Heritage Statement November 2024

Phase 1 Geo-Environmental Assessment DS-21929C-21-146 April 2021

Flood Risk Assessment 21098-FRA-RP-01 | C01  
Flood Risk Assessment Addendum 21098-FRA-TN-01 C1  
Energy Statement July 2023 Rev: 00  
Ecological Appraisal September 2023  
Detailed Gradiometer Survey Report Document Ref.: 250601.03 September 2023  
Desktop Health Impact Assessment March 2024  
Habitats Regulations Assessment - Technical Note 01, September 2023  
Archeological Desk Based Assessment Document Ref.: 250600.02 August 2023  
Arboricultural Impact Assessment September 2023 10613\_AIA.001  
Air Quality Assessment Rev 1.0 15/08/2023  
Agricultural Land Quality Report May 2023  
AD-O (2021) Overheating Review QU.EF.TN25 Rev A 28th June 2023

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

7. Application for approval of reserved matters referred to in Condition (1) shall include detailed plot passports for each of the self-build/custom build plots. The Self-Build/Custom-Build Reserved Matters shall thereafter accord with the approved plot passports.

In the interests of visual amenity.

8. No development shall commence until a phasing plan consistent with the approved illustrative masterplans has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved phasing plan.

Reason: To ensure a coordinated delivery of infrastructure and development.

9. Application for approval of reserved matters referred to in Condition (1) shall accord with and demonstrate compliance with the principles and limits established by the approved illustrative masterplans, parameter plans, and the details set out within the D&A Statement Addendum and Design Guide (May 2025) save for minor variations where it can be demonstrated that such a variation would not prejudice the overall development principles of the scheme.

Reason: To ensure that the development delivers in accordance with the assessed framework.

10. Application for approval of reserved matters referred to in Condition (1) shall not exceed the maximum areas of built development set out in the Amended Land Use Framework Plan as set out within the D&A Statement Addendum and Design Guide (May 2025).

Reason: To ensure that the development delivers in accordance with the assessed framework.

11. Application for approval of reserved matters referred to in Condition (1) shall demonstrate at least the minimum compliance with the amended Open Space Parameter Plan set out within the D&A Statement Addendum and Design Guide (May 2025).

Reason: To ensure that the development delivers as a minimum the amount the open space proposed in accordance with the assessed framework.

12. Application for approval of reserved matters referred to in Condition (1) shall broadly accord with the materials palette set out in section 4 of the approved Masterplan Design Guidance.

Reason: In the interest of high quality development and to ensure that the development responds sensitively to its local context.

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

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

14. Application for approval of reserved matters referred to in Condition (1) shall demonstrate that no less than 20% of dwellings shall be constructed to meet M4(2) Standards (Accessible and Adaptable Dwellings) of the Building Regulations.

Reason: To ensure the development includes accommodation to meet accessibility needs in accordance with policy HB3 of the Places and Policies Local Plan.

15. Application for approval of reserved matters referred to in Condition (1) shall include a landscape strategy, consistent with the Landscape Strategy Plan detailed on page 45 of the of the D&A Statement Addendum and Design Guide (May 2025).

Reason: In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

16. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the

retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS shall include:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.
- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- p) Veteran and ancient tree/ woodland protection and management.
- q) Specification for access facilitation pruning.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and

17. Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see

BS5837:2012 for definition) shall be submitted to and approved in writing by the Local Planning Authority. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

18. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with local policies: HB1 - Quality Places Through Design and NE2 – Biodiversity.

19. Prior to the commencement of any phase of the development hereby approved, details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of each phase of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted.
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving.
  - b) tree pit design.
  - c) underground modular systems.
  - d) Sustainable urban drainage integration.
  - e) use within tree Root Protection Areas (RPAs).
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants.
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise.
- 5) types and dimensions of all boundary treatments.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by

the Local Planning Authority. All soft landscaping shall have a written five-year maintenance programme following planting.

Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

20. Prior to commencement of any phase of development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.

All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

21. No development shall take place, including any works or demolition, until a comprehensive Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction. The statement shall provide for:
- (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel, which may require supporting vehicle tracking/swept paths
  - (c) Loading and unloading of plant and materials

- (d) Storage of plant and materials used in constructing the development
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (f) Wheel washing facilities
- (g) Measures to control the emission of dust and dirt during construction
- (h) A scheme for recycling or disposal of waste resulting from demolition and construction works
- (i) Timing of deliveries avoiding network and school peaks where possible and permitted construction traffic arrival and departure times
- (j) Temporary traffic management and signage
- (k) Construction phasing
- (m) Management of loose loads
- (n) Measures to prevent the discharge of surface water onto the highway.

Reason: In the interests of the amenities of the area and highway safety and convenience and to mitigate any adverse impact from the development on the M20.

22. No phase shall be occupied until a Travel Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented as approved.

Reason: In order to promote sustainable travel.

23. Prior to the commencement of the development full details of proposed measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority in consultation with KCC Highways and Transportation.

Reason: In the interests of highway safety.

24. Prior to the first use of the development hereby approved, the approved access shown on drawing 20-029-001\_Rev G shall be completed in accordance with the approved plans.

Reason: In the interests of highway safety.

25. Prior to the first use of the development hereby approved, full details shall be submitted and approved in writing by the Local Planning Authority detailing the relocation of the bus stops, bus stop border kerb and shelter design. The

works shall thereafter be implemented as approved prior to the first occupation of any dwelling.

Reason: In the interests of sustainable travel and highway safety.

26. Prior to the first use of the development hereby approved the proposed highway works outlined on drawing 25. 20-029-001\_Rev G to include a ghosted right turn lane, removal of parking bays on A20 and implementation of a grass verge, shall be completed in accordance with the approved details.

Reason: In the interests of highway safety.

27. Prior to the commencement of the development, details of the uncontrolled crossing point at the A20, in the vicinity of St Katherine's Crescent (east side) shall be submitted to and approved in writing by the Local Planning Authority in consultation with KCC Highways and Transportation. The works shall thereafter be implemented in accordance with the approved details prior to the first use of the development hereby approved.

Reason: In the interests of highway safety.

28. Prior to the commencement of the development, details of the puffin crossing, to include antiskid surfacing, and a maintenance bay shall be submitted to and approved in writing by the Local Planning Authority in consultation with KCC Highways and Transportation. The works shall thereafter be implemented in accordance with the approved details prior to the first use of the development hereby approved.

29. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture are to be laid out and constructed in accordance with details to be submitted to and approved under the details pursuant to condition 1 by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

30. Prior to the occupation of any dwelling, the following works must be completed in accordance with the approved plans (relevant to that specific property):
- (a) Footways and/or footpaths, with the exception of the wearing course.
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

31. No development shall commence until a scheme for foul drainage, including phasing arrangements, has been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure that appropriate infrastructure is provided.

32. In relation to the provision of EV Charging points:

(a) Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per house/bungalow with on-plot parking shall be provided, in accordance with specifications and in location(s) which must be submitted to and approved in writing by the Local Planning Authority;

(b) Prior to the first occupation of any flat/apartment, an electric charging strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall confirm details of an electric vehicle charging point to be installed to serve every allocated car parking space located within the flat/apartment car parking area together with a phasing/sub-phasing based electric vehicle charging points installation programme.

(c) Following installation, the electric vehicle charging points shall thereafter be retained available in working order in perpetuity in order to assist the charging of electric or hybrid vehicle by the residential occupiers of the houses, and flats/apartment buildings.

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

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

Reason: In the interests of highway safety and convenience.

34. No development shall commence until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work (including field evaluation as a first stage). The programme of archaeological works will comprise:

A) Prior to any development works save for demolition, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and

written timetable which has been submitted to and approved in writing by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording and a public engagement strategy, in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

C) Within 6 months of the completion of archaeological fieldwork a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy, and updated public engagement strategy and timetable for the same and a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

35. Prior to the submission of any reserved matters applications, the applicant, or their agents or successors in title will submit for approval in writing by the Local Planning Authority a Written Specification and timetable for archaeological mitigation fieldwork and where applicable details for the preservation in situ and/or interpretation of important archaeological remains.

Reason: To ensure that adverse impacts to features of archaeological interest are appropriately mitigated according to their significance and so that the archaeological heritage of the site can fully inform detailed design and the project can deliver public benefit through increased understanding of the archaeological heritage of Sellindge.

36. Contamination.

(A) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous

site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.

- (B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons, and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development (save for necessary demolition works). It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to:
    - Human health;
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - Adjoining land,
    - Ground waters and surface waters,
    - Ecological systems,
    - Archaeological sites and ancient monuments; and
  - (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

- (C) If investigation and risk assessment shows that remediation is necessary, no development shall take place (save for necessary demolition) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local

Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

- (D) No development shall take place (save for demolition) until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
- (E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

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

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

38. No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby approved shall use no more than 100 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

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

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

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

Reason: In the interests of residential amenity.

40. No work above slab level on the construction of the buildings hereby permitted shall take place until a copy of formal confirmation has been supplied to the Local Planning Authority confirming that High Speed Fibre Optic (minimal internal speed of 100mb) will be supplied to the dwellings hereby permitted. Prior to the first occupation of any of the dwellings hereby approved, confirmation shall be submitted to the Local Planning Authority that the infrastructure to allow connection to High Speed Fibre Optic broadband (minimal internal speed of 100mb) has been laid out in the site.

Reason: In order to ensure the future provision of superfast fibre optic broadband for occupants.

41. Application for approval of reserved matters referred to in Condition (1) shall show adherence to the limiting of surface water runoff rate from the development to greenfield runoff rates and consider the impact of volume. In addition, demonstration of the surface water drainage to accommodate all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm within the site shall be provided.

Reason: To ensure the developments runoff and volume is managed appropriately in accordance with national standards and that satisfactory arrangements for the disposal of surface water can be incorporated into the proposed layouts.

42. Application for approval of reserved matters referred to in Condition (1) shall include a detailed sustainable surface water drainage scheme for the site. The detailed drainage scheme shall demonstrate that any off site discharge rates are limited to the greenfield runoff rates for the contributing development area and for analysis into volumetric runoff. The details shall also confirm that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk

on or off-site. The drainage scheme shall also demonstrate (with reference to relevant current published guidance and standards):

- any existing surface water flow paths can be accommodated and disposed of without increase to flood risk on or off site.
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

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

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

44. Application for approval of reserved matters referred to in Condition (1) shall include a SuDS Strategy provided including regarding how the proposed nutrient removal values would be achieved, and the Nutrient Neutrality Assessment Mitigation Strategy (NNAMS) shall be reviewed and updated to include full details of SuDS treatment trains.

Reason: to ensure that the treatment efficiencies proposed can be achieved. Should the proposed SuDS features, and treatment trains not achieve the

proposed performance suggested within the NNAMS then alternative mitigation may be required.

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

Reason: In the interests of biodiversity.

46. No development shall take place (including any ground works, site or vegetation clearance) until a construction ecological management plan (CEMP (biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (biodiversity) shall include the following and include the recommendations set out within the Aspect Ecology Ecological Appraisal (dated September 2023):

- (a) Ground level tree assessment (GLTA) and potential roost feature inspection surveys or emergence/re-entry surveys if appropriate (and as assessed by a suitably qualified ecologist) for any trees requiring removal or that could be affected by lighting installation on-site;
- (b) Updated surveys for any other protected species if assessed as appropriate by a suitably qualified ecologist;
- (c) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- (d) Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scaled maps and plans for all relevant species and habitats;
- (e) Reference to any relevant protected species licences (e.g., for great crested newts) obtained in advance of site clearance/construction and any relevant mitigation measures required;
- (f) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees, including the ancient tree, T55);
- (g) Timetable for implementation, demonstrating that works are aligned with the pro-posed phasing of construction;
- (h) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / over-see works;
- (i) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- (j) Disposal of any wastes for implementing work.

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

Reason: To ensure that biodiversity is protected on site.

47. Prior to first occupation, a lighting design strategy for bats shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- Identify areas and/or features on-site where disturbance could occur to bat breeding/roosting sites and/or foraging/commuting routes. This will be informed by updated ground level tree assessment surveys and potential roost feature inspection surveys or emergence/re-entry surveys if appropriate, and as assessed by a suitably qualified ecologist.
  - Areas and/or features on-site where disturbance could occur to bats (including hedgerows, tree lines and mature trees) shall be identified on detailed, scaled plans; and
  - Show how and where external lighting shall be installed (through the provision of detailed, scaled, lighting contour plans and detailed technical specifications) so that it can be clearly demonstrated that areas to be lit shall not disturb bat activity.

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

Reason: To ensure that biodiversity is protected on site

48. No development shall commence (including site/vegetation clearance) before an Ecological Design Strategy (EDS) has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following, and include the recommendations set out within the Aspect Ecology Ecological Appraisal (dated September 2023):
- Updated surveys for protected species if assessed as appropriate by a suitably qualified ecologist, along with any necessary identified mitigation and/or compensation measures and/or Natural England licensing requirements;
  - Purpose and conservation objectives for the proposed works;
  - Review of site potential and constraints;
  - Detailed design(s) and/or working method(s) to achieve stated objectives. This shall include detailed soft landscaping plans and planting schedules. The location of habitat features such as bird and bat boxes shall be shown on scaled landscaping plans suitable for construction and detail the height and aspect the habitat features are to be installed;
  - Measures to continue to allow the movement of hedgehogs across the site;
  - Details of the fencing and any signage to be installed to protect the ancient tree during the operation of the site;
  - A copy of the leaflet to be provided to new homeowners regarding cats;

- Extent and location/area of proposed works on appropriately scaled maps and plans;
- Type and source of materials to be used where appropriate, e.g., native species of local provenance, make and model of woodcrete bird and bat boxes;
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Persons/organisation(s) responsible for implementing the works and ongoing maintenance;
- Details of initial aftercare and management prescriptions for long-term maintenance, and;
- Details for on-going monitoring and remedial measures.

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

Reason: In the interests of biodiversity.

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

Reason: In the interests of visual amenity.

50. The details submitted pursuant to condition 1 shall include the following:

- i) A Public Right of Way (PROW) Management Scheme, to include details of the proposed alignment, enhancement and upgrading of the existing PROW within the site, including details of upgrade works; details of PROW management before and during construction, details of temporary closures or diversions; and a timetable for delivery of the enhancements and improvements.
- ii) A Play Space Strategy for the site, providing details of the provision of all play space and equipment on the site.

Reason: In order to ensure appropriate mitigation against the environmental effects of the development.

Informatives:

1. Public Rights of Way:

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.

2. Arboricultural Method Statement (AMS):

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

3. Tree Pruning Specification:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work – Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

4. Landscape Works:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil 11/07/2024
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use.

5. Tree planting:

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3998:2010 Tree work – Recommendations

- c) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)  
The London Tree Officers Association - [www.ltoa.org.uk](http://www.ltoa.org.uk)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4.  
Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the Landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

6. Highways:

The applicants attention is drawn to the highways informatives set out in the consultation response of KCC Highways and Transportation dated 14 February 2025.

**Table 1 – s106 Obligations**

Draft s106 obligations

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
1.	Affordable Housing:  22% of the total dwellings.  On site provision.	22% of total number of dwellings	Affordable units to be constructed and transferred to a registered provider before completion of 75% of the general market housing units	<p><b>Necessary</b> as would provide housing for those who are not able to rent or buy on the open market pursuant to CSD1 of the Core Strategy Review (2022) and guidance in the NPPF.</p> <p><b>Directly related</b> as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
2.	Open Space:  On site open space and landscaping.  To be managed and maintained by a management company.	In accordance with land use parameter plan	Timetable to agreed based on phasing. All open space to be completed before final occupation.	<p><b>Necessary</b> as open space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to policy C3 of the PPLP and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use open space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
3.	Play Space:	Details of equipment to be agreed by condition.	To be provided in accordance with an agreed timetable and specification.	<p><b>Necessary</b> as open space is required to meet the demand that would be generated and must be maintained in order to continue to meet that</p>

**Table 1 – s106 Obligations**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	On site provision  To be maintained and managed by a management company.			<p>demand pursuant to policy C3 of the PPLP and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use open space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably</b> related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
4.	Primary Education:  Towards the expansion of Sellindge Primary School and/or the creation of additional primary places in the Sellindge and Lympne planning group	£5,412.74 per applicable dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 75% of the dwellings	<p><b>Necessary</b> the development would increase demand on the existing primary school provision and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
5.	Primary School Land	School expansion site of 0.8 ha to enable the expansion of	On or before Occupation of 50% of the Dwellings to be constructed upon the site or as otherwise agreed by KCC.	<p><b>Necessary</b> the development would increase demand on the existing primary school provision and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

**Table 1 – s106 Obligations**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
		Sellindge Primary School to 2FE to be provided at nil cost to KCC.		<p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p>
6.	<p>Secondary Education</p> <p>Towards the expansion of selective and non-selective secondary schools in Folkestone &amp; Hythe District</p>	£5,329.27 per applicable dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 75% of the dwellings	<p><b>Necessary</b> as there is a significant deficit of secondary education places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings.</p> <p><b>Directly related</b> as children of occupiers will attend secondary schools and the facilities to be funded would be available to them.</p>
7.	Special Education Needs & Disabilities (SEND)	£559.83 per applicable dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 75% of the dwellings	<p><b>Necessary</b> as there is a deficit of SEND places when all proposed and consented developments are taken into account and pursuant to policy SS5 of the Core Strategy Review and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p>

**Table 1 – s106 Obligations**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
				<p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of pupils and is based on the number of dwellings</p> <p><b>Directly related</b> as children of occupiers will attend SEND schools and the facilities to be funded would be available to them.</p>
8.	Healthcare: Provision of doctors surgery			<p><b>Necessary</b> to increase capacity to meet the demand that would be generated by the development pursuant to policy SS5 of the Core Strategy Review and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
9.	Self-Build/Custom Build	5% of dwellings to be made available for self-build		<p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided and the area of the borough.</p> <p><b>Necessary</b> as would provide housing for those who are on the Councils self-build and custom housebuilding register pursuant to HB4 of the PPLP and guidance in the NPPF.</p> <p><b>Directly related</b> as the plots would be provided on-site in conjunction with open market housing.</p>

**Table 1 – s106 Obligations**

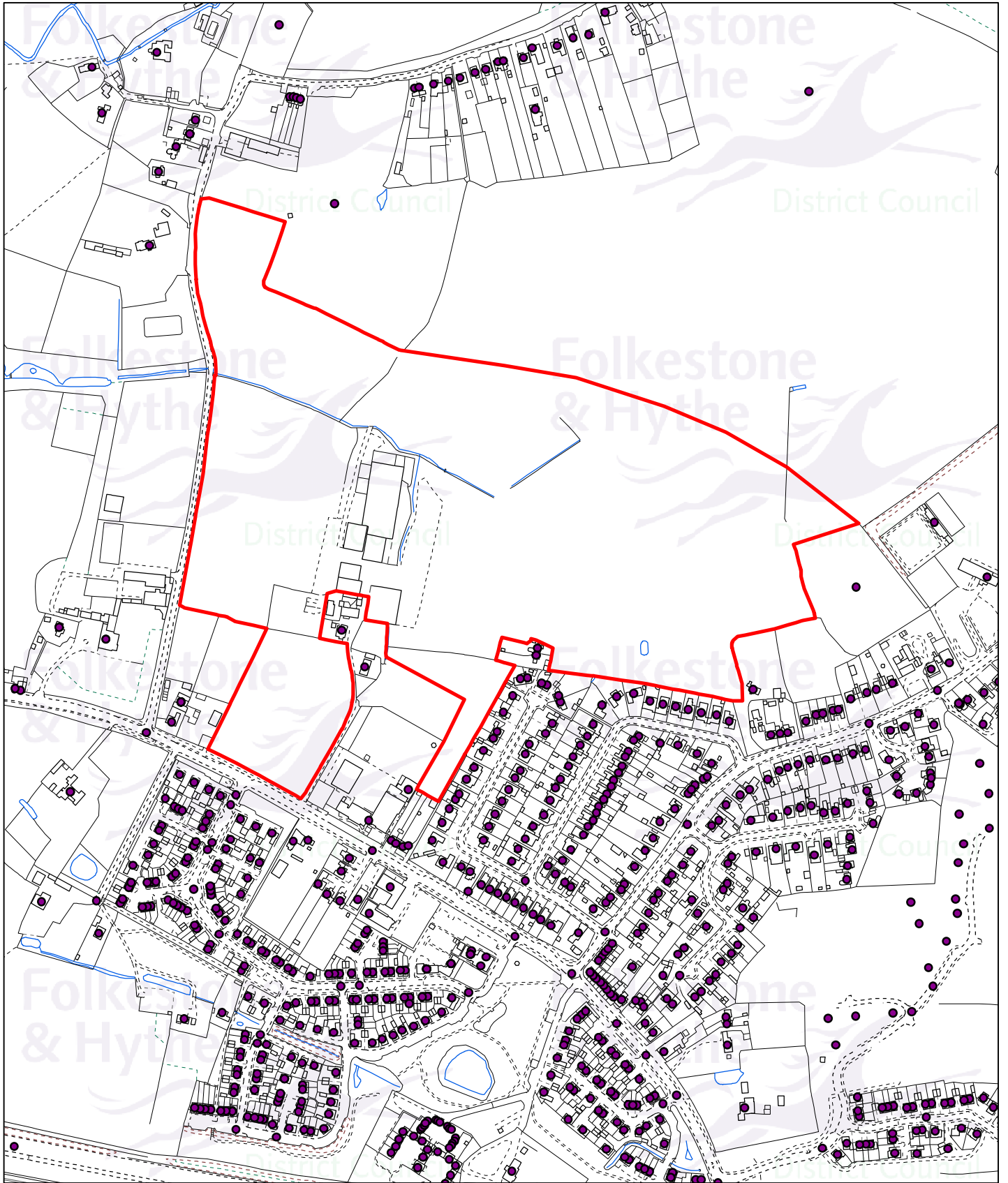
Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
10.	Nutrient Neutrality Mitigation	In accordance with NNMS	Prior to occupation of any unit.	<p><b>Necessary</b> to mitigate the impact on a Stodmarsh Lakes which is a European Designated Nature Conservation Site.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and its impact on a European Designated Nature Conservation Site.</p> <p><b>Directly related</b> as wastewater from the development would otherwise impact on the quality of the European Designated Nature Conservation Site</p>
11.	Monitoring Fee:  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	TBC	Commencement of development	<p><b>Necessary</b> in order to ensure the planning obligations are complied with.</p> <p><b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.</p>
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order</p>				

**Table 1 – s106 Obligations**

Obligation No.	Planning Obligation			Regulation 122 Assessment
	Detail	Amounts(s)	Trigger Points(s)	
	to maintain their value. The Council's legal costs in connection with the deed must be paid by the applicant.  If an acceptable deed is not completed within 6 months of the committee's resolution, the application may be refused.			



23/1413/FH - Land At Elmtree Farm, Main Road, Sellindge, Ashford, TN25 6JY



Planning Application:  
23/1413/FH

Drawn date:  
27 Aug 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
1038/COP/EC

Llywelyn Lloyd  
Chief Planning Officer

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Folkestone & Hythe District Council AC0000821403 - 2025



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## Habitat Regulation Assessment (HRA) Screening Matrix

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision-maker as the Competent Authority for the purpose of the Habitats Regulations<sup>1</sup>. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

<b>Application reference:</b>	<b>23/1413/FH</b>
<b>Application address:</b>	Land At Elmtree Farm, Main Road, Sellindge, Ashford, TN25 6JY
<b>Application description:</b>	Outline application (with all matters reserved except access) for demolition of existing modern farm buildings and erection of a community extension comprising up to 105 homes including affordable and self/custom-build housing, doctors' surgery, dentist, shop, and provision of land for school expansion; together with associated open space, public realm, ecological mitigation areas, and associated supporting infrastructure.
<b>Lead Planning Officer:</b>	Alex Stafford
<b>HRA Date:</b>	August 2025

### Part 1 – Details of the plan or project

**European site or sites potentially impacted by planning application, plan or project:**

A number of European designations have been identified as part of the Habitat Regulations Assessment process (HRA) with the following designations given consideration in terms of potential effects:

- Wye and Crundale Downs Special Area of Conservation (SAC) located approximately 5km to the north of the proposed development.
- Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) located approximately 6.3km to the south.
- Folkestone to Etchinghill Escarpment SAC located approximately 6.5km to the east.
- Parkgate Down SAC located approximately

9.3km to the north-east.

- Dungeness, Romney Marsh and Rye Bay Ramsar located approximately 11.5km to the south.
- Dungeness SAC located approximately 12.8km to the south.
- Lydden and Temple Ewell Downs SAC located approximately 16.8km to the east.
- Blean Complex SAC located approximately 20.7km to the north.
- Stodmarsh SAC, SPA and Ramsar located approximately 22.5km to the north.
- Dover to Kingsdown Cliffs SAC located approximately 22.7km to the east.

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<sup>1</sup> All references in this document to the 'Habitats Regulations' refer to the Conservation of Habitats and Species Regulations 2017

Is the planning application directly connected to the management of the site?	No
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## Part 2 – HRA Screening Assessment

**Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/ SAC/ Ramsar Site.**

Following the Court of Justice of the European Union (CJEU) ruling, avoidance or mitigation measures cannot be taken into account as part of the planning application if they are included to mitigate impacts on European designation and must be considered under an Appropriate Assessment (AA) stage of the HRA in part 3 of this document.

Potential impact pathways in relation to European designations include physical loss or damage, non-physical disturbance (noise, vibration and light), air pollution, recreation, water quantity and quality and non-toxic contamination (invasive species). However, it is considered that physical loss and damage, non-physical disturbance and invasive species impacts can be screened out as the nearest designation is located over 5km from the site. Accordingly, impact pathways to be considered comprise air pollution, recreation and water quantity/quality.

Further details are set out below in relation to relevant European designations and whether a likely significant effect may occur as a result of the proposed development. The following European designations are considered:

- Wye and Crundale Downs SAC;
- Folkestone to Etchingill Escarpment SAC;
- Dungeness, Romney Marsh and Rye Bay SPA/Ramsar and Dungeness SAC; and
- Stodmarsh SAC, SPA and Ramsar.

### **Wye and Crundale Downs SAC**

SAC EU Code: UK0012831

Area: 111.32 hectares

#### General Site character:

- Heath, Scrub, Maquis and Garrigue, Phygrana (5%)
- Dry grassland, Steppes (60%)
- Improved grassland (15%)
- Broad-leave deciduous woodland (20%)

#### Protected/Site qualifying features:

Annex 1 habitats that are a primary reason for selection of the site:

- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites).

#### Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of qualifying natural habitats;*
- *The structure and function (including typical species) of qualifying natural habitats, and;*
- *The supporting processes on which qualifying natural habitats rely.”*

#### Condition of European Site:

The most recent condition assessment for the Site of Special Scientific Interest (SSSI) which underpins the European designation states the majority of units (65.50%) are in favourable condition, with 34.50% in unfavourable recovering condition.

#### Threats:

A Site Improvement Plan (SIP) has been produced by Natural England in relation to Wye and Crundale Downs SAC (dated March 2015). This identifies prioritised issues (pressures or threats) affecting the designation:

- 1) Overgrazing
- 2) Inappropriate scrub control
- 3) Air pollution (nitrogen deposition exceeds site-relevant critical loads)

Of these, overgrazing and scrub control are principally management issues not related to the proposed development, whilst given no main roads are located within 200m, the proposed development is not considered to contribute to air pollution.

#### Screening of likely significant effects:

##### Recreational pressure:

Increases in number of visitors has the potential to disturb programmes of scrub clearance and reintroduction of grazing animals to the site. However, given much of the designation comprises a National Nature Reserve (NNR), visitor pressure is actively managed, whilst steep slopes and other land being in private ownership limit public access. The SAC is located a substantial distance from the proposed development, such that it is considered unlikely to result in increased visitor pressure in any case.

##### Air Quality:

No main roads are located within 200m of the SAC, such that it is unlikely to be subject to

any increased traffic levels associated with the proposed development. Accordingly, potential for a likely significant effect can be screened out.

Water Quality and water levels:

The SAC is not designated for its wetland interest and would not be affected by drainage at the site. Accordingly, potential for a likely significant effect can be screened out.

Conclusion – could the proposed development result in a likely significant effect?

**No likely significant effects are anticipated in relation to recreation, air quality or water levels.**

### **Folkestone to Etchinghill Escarpment SAC**

SAC EU Code: UK0012835

Area: 187.02 hectares

General Site character:

- Heath, Scrub, Maquis and Garrigue, Phygrana (10%)
- Dry grassland, Steppes (70%)
- Improved grassland (10%)
- Broad-leave deciduous woodland (10%)

Protected/Site qualifying features:

Annex 1 habitats that are a primary reason for selection of the site:

- Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\*important orchid sites).

Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of qualifying natural habitats;*
- *The structure and function (including typical species) of qualifying natural habitats, and;*
- *The supporting processes on which qualifying natural habitats rely.”*

Condition of European Site:

The most recent condition assessment for the Site of Special Scientific Interest (SSSI) which underpins the European designation states the majority of units (69.95%) are in favourable condition, with 25.39% in unfavourable recovering condition.

### Threats:

A Site Improvement Plan (SIP) has been produced by Natural England in relation to Folkestone to Etchingill Escarpment SAC (dated January 2015). This identifies prioritised issues (pressures or threats) affecting the designation:

- 1) Undergrazing
- 2) Inappropriate scrub control
- 3) Air pollution (nitrogen deposition exceeds site-relevant critical loads)

Of these, undergrazing and scrub control are principally management issues not related to the proposed development.

### Screening of likely significant effects:

#### Recreational pressure:

Increases in number of visitors has the potential to cause direct damage to vegetation and disturb programmes of scrub clearance and reintroduction of grazing animals to the site. However, recreation at the site is well managed by the White Cliffs Countryside Partnership and recreation is not identified as a pressure under the SIP. Given the provision of alternative open space provision and a commitment to ongoing monitoring at the SAC, the HRA of FHC's Core Strategy concludes recreational activity would not result in an adverse effect on integrity at the SAC. Furthermore, on the basis of comparable chalk grassland sites, the majority of visitors to the SAC are likely to be from within 4km. At a distance of 6.5km from the SAC, the proposed development is therefore unlikely to result in any significant increase in recreational activity in any case.

#### Air quality:

The SAC is located within 200m of a main road, namely the A20. However, detailed assessment within the HRA of FHC's Core Strategy Review sets out that the forecast 'in-combination' nitrogen deposition rate along the A20 is expected to fall below the critical load of 15kg N/ha/yr for calcareous grassland and would be retarded by development by only a small extent. Accordingly under this context, any very small increase in traffic associated with the proposed development would not result in a significant effect.

#### Water quality and water levels:

The SAC is not designated for its wetland interest and would not be affected by drainage at the site. Accordingly, potential for a likely significant effect can be screened out.

Conclusion – could the proposed development result in a likely significant effect?

**No likely significant effects are anticipated in relation to recreation, air quality or water levels.**

## **Dungeness, Romney Marsh and Rye Bay SPA/Ramsar and Dungeness SAC**

Dungeness, Romney Marsh and Rye Bay SPA

SPA Code: UK9012091

Area: 42417.53 hectares

### Protected/Site qualifying features:

- Great Bittern *Botaurus stellaris* (Non-breeding)
- Bewick's Swan *Cygnus columbianus bewickii* (Non-breeding)
- Shoveler *Anas clypeata* (Non-breeding)
- Marsh Harrier *Circus aeruginosus* (Breeding)
- Hen Harrier *Circus cyaneus* (Non-breeding)
- Avocet *Recurvirostra avosetta* (Breeding)
- Golden Plover *Pluvialis apricaria* (Non-breeding)
- Ruff *Philomachus pugnax* (Non-breeding)
- Mediterranean Gull *Larus melanocephalus* (Breeding)
- Sandwich Tern *Sterna sandvicensis* (Breeding)
- Common Tern *Sterna hirundo* (Breeding)
- Little Tern *Sterna albifrons* (Breeding)
- Aquatic Warbler *Acrocephalus paludicola* (Non-breeding)
- Important waterbird assemblage

### Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying species;*
- *The structure and function of the habitats of the qualifying species;*
- *The supporting processes on which the habitats of the qualifying species rely;*
- *The population of each of the qualifying species, and;*
- *The distribution of the qualifying species within the site.”*

Dungeness, Romney Marsh and Rye Bay Ramsar site

Area: 6,377.6 hectares

### Protected/Site qualifying features:

- Ramsar criterion 1: The site supports habitat types including annual vegetation of drift lines and the coastal fringes of perennial vegetation of stony banks, and natural shingle wetlands;
- Ramsar criterion 2: The site supports important bryophyte, vascular plant and invertebrate assemblages and a number of other rare species including Water Vole

Arvicola amphibius and Great Crested Newt Triturus cristatus.

- Ramsar criterion 5: The site regularly supports 20,000 or more waterbirds.

There are no conservation objectives for Ramsar Sites

## **Dungeness SAC**

SAC EU Code: UK0013059

Area: 3241.43 hectares

### General Site character:

- Tidal rivers, Estuaries, Mud flats, Sand flats, Lagoons (including saltwork basins) (20%)
- Salt marshes, Salt pastures, Salt steppes (1%)
- Coastal sand dunes, Sand beaches, Machair (2%)
- Shingle, Sea cliffs, Islets (64%)
- Inland water bodies (Standing water, Running water) (2%)
- Bogs, Marshes, Water fringed vegetation, Fens (10%)
- Coniferous woodland (1%)

### Protected/Site qualifying features:

Annex 1 habitats that are a primary reason for selection of the site:

- Annual vegetation of drift lines
- Perennial vegetation of stony banks

Annex 2 species that are a primary reason for selection of the site:

- Great Crested Newt

### Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;*
- *The populations of qualifying species, and;*
- *The distribution of qualifying species within the site.”*

### Condition of European site:

The most recent condition assessment for the Site of Special Scientific Interest (SSSI) which underpins the European designations states the majority of units (77.19%) are in favourable condition, with 18.19% in unfavourable recovering condition.

### Threats:

A Site Improvement Plan (SIP) has been produced by Natural England in relation to Dungeness SAC and Dungeness to Pett Level SPA (which has since been expanded to form Dungeness, Romney Marsh and Rye Bay SPA) (dated December 2014). This identifies prioritised issues (pressures or threats) affecting the designation:

- 1) Military
- 2) Illicit vehicles
- 3) Predation
- 4) Changes in species distributions
- 5) Invasive species
- 6) Inappropriate scrub control
- 7) Overgrazing
- 8) Public access/disturbance
- 9) Direct impact from 3rd party
- 10) Air pollution
- 11) Inappropriate water levels
- 12) Inappropriate ditch management
- 13) Coastal squeeze
- 14) Water pollution
- 15) Commercial marine and estuarine fisheries

### Screening of likely significant effects:

#### Recreational pressure:

At Dungeness, Romney Marsh and Rye Bay SPA/Ramsar and Dungeness SAC, extensive areas are managed as Nature Reserve with employment of a ranger to enforce local bylaws and reduce recreational pressure. In any case, the site is located over 11km from the nearest part of the SAC/Ramsar (the SPA designation was recently extended to include foraging habitat for breeding terns, although such areas are unlikely to be sensitive to recreational effects) and is unlikely to lead to increased visitor pressure (research undertaken in regard to coastal sites elsewhere within Kent indicates that developments within 6km are most likely to result in increased visitor usage<sup>9</sup> ).

#### Air Quality:

The majority of traffic associated with the proposed development is likely to route along the M20, whilst at a distance of over 11.5km to the nearest terrestrial part of the designations, any increase in traffic along roads within 200m of the SPA/Ramsar and SAC is considered to be negligible. Accordingly, potential for a likely significant effect can be screened out.

#### Water quality and water levels:

Surface water runoff and foul water from the proposed development discharges to the

Stour catchment, such that there is no hydrological impact pathway to Dungeness, Romney Marsh and Rye Bay. Accordingly, potential for a likely significant effect can be screened out.

Conclusion – could the proposed development result in a likely significant effect?

**No likely significant effects are anticipated in relation to air quality or water levels.**

### **Stodmarsh SAC, SPA and Ramsar**

Stodmarsh SAC

SAC EU Code: UK0030283

Area: 563.27 hectares

#### General Site character:

- Inland water bodies (Standing water, Running water) (38%)
- Bogs, Marshes, Water fringed vegetation, Fens (50%)
- Heath, Scrub, Maquis and Garrigue, Phygrana (6%)
- Broad-leaved deciduous woodland (1%)
- Other land (including Towns, Villages, Roads, Waste places, Mines, Industrial sites) (5%)

#### Protected/Site qualifying features:

Annex 2 species that are a primary reason for selection of the site:

- Desmoulin's Whorl Snail *Vertigo moulinsiana*

#### Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:*

- *The extent and distribution of the habitats of qualifying species;*
- *The structure and function of the habitats of qualifying species;*
- *The supporting processes on which the habitats of qualifying species rely;*
- *The populations of the qualifying species, and;*
- *The distribution of the qualifying species within the site.”*

Stodmarsh SPA

SPA Code: UK9012121

Area: 481.32 hectares

Protected/Site qualifying features:

- Bittern *Botaurus stellaris* (wintering population)
- Hen Harrier *Circus cyaneus* (wintering population)
- Gadwall *Anas strepera* (breeding and wintering population)
- Shoveler *Anas clypeata* (wintering population)
- Important assemblage of breeding birds associated with wetland habitats
- Important assemblage of wintering waterfowl

Conservation objectives:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:*

- *The extent and distribution of the habitats of the qualifying features;*
- *The structure and function of the habitats of the qualifying features;*
- *The supporting processes on which the habitats of the qualifying features rely;*
- *The population of each of the qualifying features, and;*
- *The distribution of the qualifying features within the site.”*

Stodmarsh Ramsar site

Area: 481 hectares

Protected/Site qualifying features:

- Ramsar criterion 2: The site supports six British Red Data Book (RDB) wetland invertebrates, two nationally rare plants, five nationally scarce plants and a diverse assemblage of rare wetland birds.
- Qualifying bird species include Gadwall, Bittern, Shoveler and Hen Harrier.

There are no conservation objectives for Ramsar Sites

Condition of European site:

The most recent condition assessments for the Site of Special Scientific Interest (SSSI) which underpins the European designation states the majority of units (54.06%) are in favourable condition, with 27.31% in unfavourable recovering condition and 18.63% in unfavourable no change condition.

Threats:

A Site Improvement Plan (SIP) has been produced by Natural England in relation to Stodmarsh SAC and SPA (dated October 2014). This identifies prioritised issues (pressures or threats) affecting the designation:

- 1) Water pollution (with poor water quality being recorded in the lake in unit 10 and associated reedbeds)
- 2) Invasive species (notably New Zealand Pigmyweed *Crassula helmsii*)

- 3) Inappropriate scrub control
- 4) Air pollution (nitrogen deposition exceeds site-relevant critical loads)

Of these, invasive species and scrub control are principally management issues not related to the proposed development, whilst given no main roads are located within 200m, the proposed development is not considered to contribute to air pollution.

#### Screening of likely significant effects:

##### Recreational pressure:

At a distance of over 22km from the Site, few residents of the proposed development are likely to make visits to Stodmarsh, whilst any visits would likely be to those access points with ample parking provision, which are located within the NNR and are actively managed for public use. As such, given the limited number of additional visits expected and that these can be readily managed, no significant effects as a result of recreational activity are anticipated.

##### Air Quality:

No main roads are located within 200m of Stodmarsh, such that it is unlikely to be subject to any increased traffic levels associated with the proposed development. Accordingly, potential for a likely significant effect can be screened out.

##### Water Quality:

The site is located over 45km upstream of Stodmarsh, at which distance any pollutants from construction activities or operation of the development would be substantially dispersed or settled out in sedimentation.

However, concerns have been raised that discharge of treated wastewater from residential development resulting in high levels of nitrogen and phosphorous within the water environment is causing eutrophication within Stodmarsh, impacting on the designated habitats and species. Although the site is located a substantial distance upstream of Stodmarsh, this is a catchment wide issue. Further investigation is being carried out as part of the Environment Agency's Water Industry National Environment Programme (WINEP) reporting in 2022. However, until this work is complete, uncertainty remains and there is potential for new housing developments to exacerbate existing impacts through additional nitrogen and phosphorous inputs associated with wastewater.

In terms of water levels and potential for water abstraction, this is managed by the utilities companies, Southern Water and Southeast Water. These companies have produced Water Resource Management Plans (WRMP) taking into account predicted population increases, the HRAs for which conclude no likely significant effect on Stodmarsh. Given the proposed development is taken into account as part of the overall predicted population increase, it can be concluded that no significant effects are likely to arise as a result of changes to water levels.

Conclusion - could the proposed development result in a likely significant effect?

**Yes.**

**Whilst no likely significant effect is anticipated as a result of the proposed development alone, Stodmarsh is currently subject to poor water quality, and there is a risk that additional nitrogen and phosphorous inputs from treated wastewater, in-combination with those from other plans and projects, could exacerbate existing impacts. As such, an Appropriate Assessment is required.**

**No likely significant effects are anticipated in relation to recreation, air quality or water levels.**

## **Background information**

A Document to Inform a Habitats Regulations Assessment (HRA) prepared by Aspect Ecology (Document Ref: 1005375 TN01 HRA dv2/LK/DM), dated September 2023, was submitted as part of the planning application for the site subjected to this assessment.

The document details existing information about the proposed development, application site and the potential impact upon the European Designations. It provides an assessment of potential effects from the proposed development and proposes a mitigation strategy to avoid adverse effects.

Additional supporting documents were submitted as part of the application by the Applicant, including:

- Nutrient Neutrality Assessment and Mitigation Strategy (Document Ref: 20198-NUT-RP-01 | C02) prepared by Water Environment Limited, dated September 2023 and subsequently updated December 2024.
- Nutrient Neutrality Calculations (Document Ref: 20198-NUT-CA-01) prepared by Water Environment Limited, dated September 2023 and subsequently updated December 2024.
- Appropriate Assessment and Nutrient Neutrality Support document, prepared by Aecom, dated July 2024.

The Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) provides an overview of Natural England's position with respect to water quality within the Habitats Sites, presents calculations to outline the potential increase in nutrient loading as a result of the proposed development (based on the absence of any mitigation measures), and outlines the mitigation strategy proposed to manage surface and wastewater from the proposed development and present supporting calculations in order to ensure that, from first occupation of the dwellings, the proposed development is nutrient neutral.

The Appropriate Assessment and Nutrient Neutrality Support document provides a review of the NNAMS, and determines whether the NNAMS is sufficiently robust.

The below assessment and the HRA submitted with the application has taken into consideration the Natural England Advice on 'Nutrient Neutrality for New Development in the Stour Valley Catchment'.

### **The Site and Surroundings:**

The Site is located in Sellindge, Kent within an open farmland landscape and is approximately 17.87 hectares (ha) in area.

The Site comprises of five arable fields, enclosed by mature hedgerows and drainage ditches. An area of farm buildings and associated bare ground and hardstanding forming

Elm Tree Farm is located towards the centre of the Site.

The Site is bound by:

- Agricultural land to the north.
- Allotment gardens, Sellindge Bowls Club and a residential housing estate to the east.
- The A20 Ashford Road, Sellindge Primary School, Sellindge Village Hall, Sellindge Surgery, and a residential housing estate to the south.
- Moorstock Lane and agricultural land to the west.

There are several public rights of way (PROW's) in the vicinity of the Site. Footpaths HE295, HE296 and HE299 provide a connection through the Site between Moorstock Lane and Ashford Road. Additionally, Footpath HE300 links Swan Lane and Moorstock Lane to the northeast of the Site.

The North Downs Special Landscape Area and the Kent Downs National Landscape (NL) lies approximately 2km to the north and east of the Site.

Heritage assets within the Site and vicinity comprise the Grade II listed Elm Tree Farmhouse, Barn about 5 metres north of Elm Tree Farmhouse, Guinea Hall, Lees Cottages and Moorstock House.

The Site is in Flood Zone 1 of the Flood Map for Planning and therefore is at low risk of flooding from rivers or the sea. There are several public rights of way (PROW's) in the vicinity of the Site.

#### The Proposed Development

The planning application seeks outline planning permission (with all matters reserved except for access) for the following:

*'Outline application (with all matters reserved except access) for demolition of existing modern farm buildings and erection of a community extension comprising up to 105 homes including affordable and self/custom-build housing, doctors' surgery, dentist, shop, and provision of land for school expansion; together with associated open space, public realm, ecological mitigation areas, and associated supporting infrastructure.'*

**Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect when considered in-combination? No**

**Would the proposal lead to a likely significant effect on European site integrity, without mitigation measures? YES /-NO-(if yes, continue to part 3)**

### **Part 3 – Appropriate Assessment**

**Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.**

#### Appropriate Assessment

The Appropriate Assessment (AA) is required in accordance with the Conservation of Habitats and Species Regulations 2017.

The AA has been undertaken with regard to the information provided by the Applicant, the Appropriate Assessment and Nutrient Neutrality Support document prepared by Aecom and the comments provided by Natural England (refer to Part 4 below).

The objective of the AA is to determine whether there won't be an adverse effect on the integrity of a European site. The AA should look at the likely significant effects of the project and the nature of these effects on the European sites qualifying features and conservation objectives in greater detail than carried out in the HRA screening stage.

The AA should consider potential mitigation measures, including any which may already form part of the project specification, to determine whether, for example, the likelihood, magnitude, extent, frequency and duration of the effect will be reduced. Mitigation measures should be deliverable and have a high degree of certainty of effect.

Mitigation must enable a conclusion of no adverse effect on European Site integrity, which may mean removing the effects altogether, or bringing them below a threshold where it undermines a European Site's conservation objectives and threatens site integrity (i.e., to where they are no longer 'adverse').

As noted in Part 2: HRA Screening Assessment above, it was identified that there is a potential pathway for contamination in relation to:

- Stodmarsh SAC/SPA/Ramsar as a result of water quality.

This designation has therefore been tested at the Appropriate Assessment stage.

## Water quality

Given the hydrological connectivity between the site and Stodmarsh SAC, SPA and Ramsar, proposed development at the site could result in an adverse effect as a result of changes to water quality. At this distance from Stodmarsh, the main impact is identified as excessive input of nutrients (nitrogen and phosphorous) leading to eutrophication, principally from treated wastewater. In the case of the proposed development, wastewater will be conveyed to Sellindge Wastewater Treatment Works (WwTW).

On this basis, changes to water quality as a result of the proposed development could impact on the integrity of the SAC/Ramsar interest features through direct impacts on the interest species and degradation of the aquatic habitats supporting such species.

It is therefore necessary for the proposed development to demonstrate no net increase in nutrient inputs (i.e. nutrient neutrality) to avoid potential for an adverse effect.

Calculations of nutrient discharge arising from the proposed development have been undertaken, based on Natural England's guidance on nutrient neutrality within the Stour catchment, and are set out within the NNAMS (Water Environment, December 2024) which accompanies the planning application.

In the absence of mitigation, the Applicant has calculated a (pre-2030) nutrient budget of 53.04 kg Nitrogen(N)/year and -0.10 kg Phosphorus(P)/year. As set out in the NNAMS, in terms of the post-2030 budget, the proposed development achieves nutrient neutrality for phosphorous without mitigation, through land use change alone. This budget has been confirmed using the latest Natural England Stodmarsh calculator and guidance. The identified nutrient surplus for nitrogen (Pre-2030) therefore requires mitigation.

## Mitigation Strategy

To achieve nutrient neutrality for the proposed development in relation to nitrogen, the Applicant has stated within the NNAMS this will be achieved through the use of sustainable drainage systems (SuDS) to treat surface water runoff from the site, which could include swales, ponds, soakaways, permeable paving, and bioretention zones. The Applicant also states that the SuDS elements of the strategy will be maintained according to the appropriate maintenance schedule as listed in the CIRIA SuDS Manual C753.

Nutrient removal rates vary depending on the specific type of SuDS implemented, but CIRIA guidance indicates reduction of nitrogen removal rates of 40-50%. The calculations provided by the Applicant in the NNAMS shows that a nutrient reduction due to SuDS of 30% for Total Nitrogen (TN) reduces the nutrient budget to 13.56 kgN/year. Therefore, more mitigation is needed to offset the remaining nitrogen load pre-2030. As set out in the

NNAMS, it is proposed that the proposed development will use the excess TN credits that have been generated by the Conningbrook Wetland (planning ref: 22/00051/AS), to offset the remaining nutrient budget, thus reducing the budget to zero and meeting the nutrient neutrality requirements.

The Appropriate Assessment and Nutrient Neutrality Support document prepared by Aecom agrees that nutrient neutrality should be achieved as part of the Proposed Development through the use of SuDS measures, but that there is a lack of detail regarding how this would be achieved. The document states that a condition is recommended to ensure that the Applicant demonstrates that the proposed nutrient reduction values can be achieved once there is a detailed SuDS Strategy. It is also recommended that a SuDS Maintenance and Management Plan is subject to an appropriate planning condition that details how performance of the SuDS will be assured and funded for the lifetime of the proposed development.

The mitigation approach would therefore be secured by planning condition which allows further details of the design and ongoing management and monitoring to be agreed and ensures that the proposed development could not be occupied until fully functioning and effective SuDS are in place to provide the necessary nutrient removal.

In conclusion, the mitigation measures discussed above to reduce and offset TN reaching Stodmarsh will be fully implemented prior to the occupation of dwellings and can remain in place for the lifetime of the Proposal Development. The application documents have demonstrated the proposed development will result in no additional TN being discharged from the Proposed development via foul surface waters. Therefore, the proposed Development will be nutrient neutral.

Natural England has no objection subject to appropriate mitigation being secured (refer to Part 4 below). As competent authority, it is considered that the proposed mitigation measures accord with the Natural England guidance on Nutrient Neutrality and an Appropriate Assessment has been adopted on this basis. As such, given the mitigation measures proposed by the Applicant, it is considered that the proposed development would not have a potentially significant effect on the integrity of Stodmarsh SPA/SAC/Ramsar Site.

## **Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England**

Given the nature of the proposals and following implementation of mitigation, it is considered that the project will have no adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar in view of the sites' conservation objectives, either alone or in combination with other plans and projects.

Having made this appropriate assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representations received, the authority may now agree to the project under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and adopt the Appropriate Assessment.

### **Natural England:**

#### **Summary of Natural England's advice:**

Natural England provided comments on 26 October 2023 in their initial consultation response which stated:

#### **FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES**

As submitted, the application could have a likely significant effect on:

- Stodmarsh Special Area of Conservation (SAC)
- Stodmarsh Special Protection Area (SPA)
- Stodmarsh Ramsar site
- Stodmarsh Site of Special Scientific Interest (SSSI)
- Stodmarsh National Nature Reserve (NNR)
- Gibbin's Brook Site of Special Scientific Interest (SSSI)

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to ensure that the proposal will not have an adverse effect on the integrity of the sites named above. The following information is required:

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

Natural England provided additional comments on 20 January 2025 on the Appropriate Assessment and NNAMS, which stated:

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA) and Stodmarsh Ramsar Site <https://designatedsites.naturalengland.org.uk/>.
- damage or destroy the interest features for which Stodmarsh Site of Special Scientific Interest has been notified.
- have a significant impact on the purposes of designation of the Kent Downs AONB.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

**Signed:**

Alex Stafford  
Strategic Sites Principal Planner  
FHDC



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<b>Application Number</b>	22/1122/FH
<b>Location</b>	Little Woodland Farm, Woodland Road, Lyminge, CT18 8DP
<b>Application Description</b>	Retrospective application for the retention of a test and training track and associated safety lighting.
<b>Applicant</b>	Mr Anthony Saunders
<b>Agent</b>	Mr Anthony Saunders
<b>Officer Contact</b>	Robert Allan

## Recommendation

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### 1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee due to the views of Lyminge Parish Council.
- 1.2. The application was deferred at the meeting of the Planning and Licensing Committee on 12 August in order to allow correct notification of interested parties.

### 2. Site and Surroundings

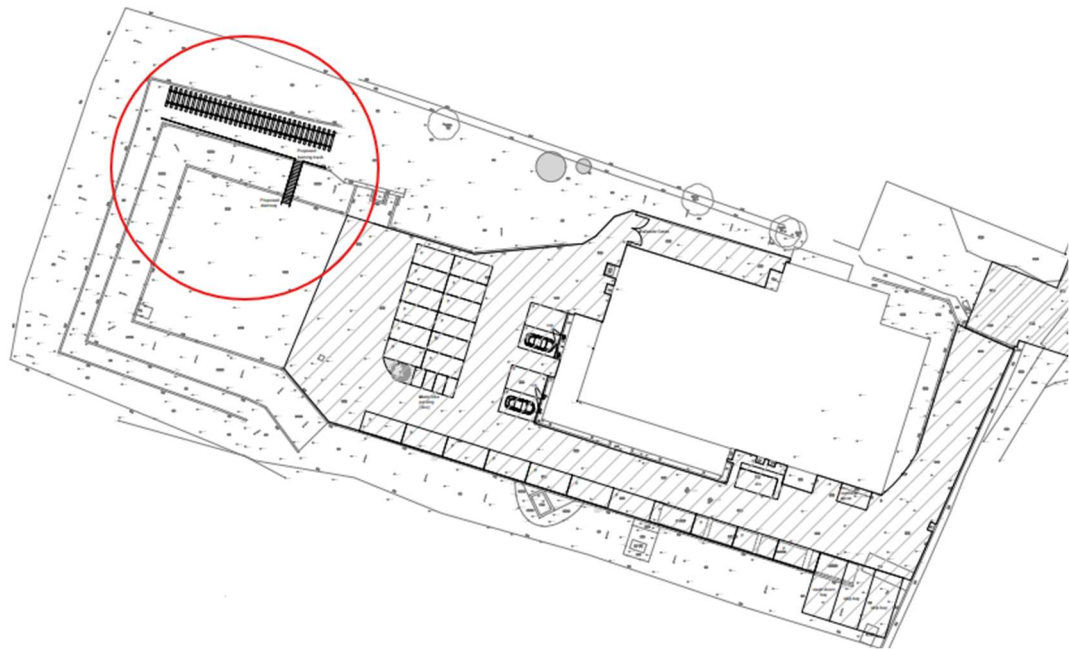
- 2.1 The application site is outside of the defined settlement boundary of Folkestone, approximately 0.5 miles to the west of the settlement boundary of Lyminge, so is within the open countryside in planning policy terms. The site is within the designated Kent Downs National Landscape (NL) and North Downs Special Landscape Area (SLA).
- 2.2 The site is part of a small industrial complex comprising a building used by Fuse Rail, a specialist electrical company that services the rail industry, under use class E purposes, and a smaller building immediately to the north of this, formally a wood workshop. The land falls from northwest to southeast and the western end of the site, which is currently open, is set into the hillside with retaining structures terracing the sides. The existing building is a two-storey metal-clad structure with brick plinth and single storey element that wraps

around the southwest corner to partially extend along the western and eastern elevations.

- 2.3 The site is accessed from Woodland Road, a country lane, with public bridleway (HE42) passing along the western boundary of the application site. There are residential uses to the north and northwest, predominantly following the line of the road. The three properties immediately to the north are Grade II listed
- 2.4 A site location plan is attached to this report as **Appendix 1**.

### **3. Proposal**

- 3.1. Planning permission is sought for the retention of a section of railway track within the site to be used for training purposes for staff, in association with the operation of the existing business that occupies the site. The section of track is located to the northwest of the site, in an elevated position on an existing terraced area, bordered by a retaining wall and bund, and accessed via steps from car park level. The location can be seen in image 1, below.
- 3.2. The training activities are currently not taking place whilst the application is under determination but would take place between the hours of 09:00 and 15:00, Monday to Friday, for up to 17 half-day sessions per year, with up to one hour for each course being outdoors, and with up to six members of staff at a time.
- 3.3. To reduce noise to the nearest residence to the north of the training area, approximately 65 metres away, a noise barrier fence is proposed to be installed to the bank to the north of the proposed training area, which would be approximately 40 metres long, with a 10-metre return along the west side of the training area. The fence would comprise close-boarded timber panels at least 2.1 metres high, with a mass per unit area of at least 10 kg/m<sup>2</sup>.



*Image 1: Location of training track*

- 3.4. Permission is also sought for the retention of lighting that has been installed around the site, which both replaces existing lighting and adds additional lighting. It comprises 16 bollard-style downlighters, mounted on wooden sleepers around the perimeter of the site next to parking areas, 17 directed flood lights on the side of the building above doors and walkways, and 8 emergency lights. The locations can be seen in images 2 – 8 below.



*Image 2: Entrance road - high level lights*



*Image 3: Entrance road – 19 lights decommissioned on wall*



Image 4: Southern elevation – high level lights



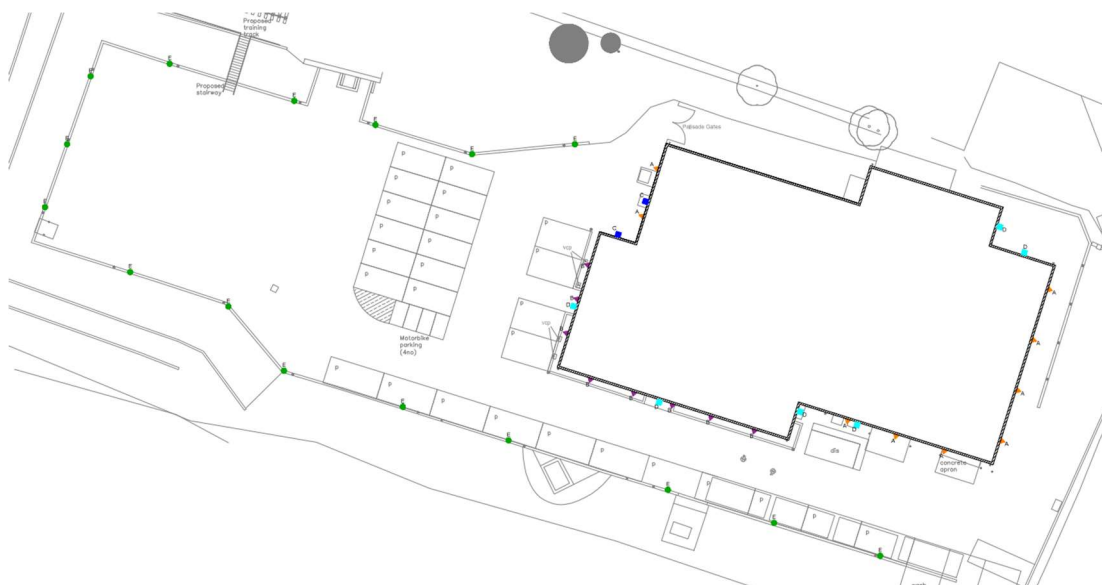
Image 5: Southern elevation – low level lights



Image 6: Western elevation – low- and high-level lighting



Image 7: Northern perimeter – bollard lighting



*Image 8: locations of lights*

- 3.5. The hours of operation of the previously installed lighting were dusk to 20:00, and 06:00 and off when light. The installed lighting is all LED lighting with smart sensors that have operational timings from 07:50 until light and from dusk to 18:15.
- 3.6. The applicant has stated that the replacement and additional lighting is in response to health and safety requirements for staff.
- 3.7. The following reports were submitted by the applicant in support of the proposal:

#### Noise Assessment

- 3.8. The submitted document has reviewed the proposal in the context of the outdoor training area being used for up to 1 hour on up to 17 instances throughout the year, during normal weekday working hours between 09:00 and 15:00 only. It has also made recommendations regarding the use of a rail saw, which it specifies should not be used outdoors, and therefore has excluded this tool from the assessment, with the applicant also stated to have agreed that any rail saw demonstrations should be conducted indoors within the workshop.
- 3.9. The highest activity sound rating level from the outdoor training area at the nearest residence has been calculated to be 40 dB LA,r, which is 4 dB above measured background, so would not raise daytime ambient sound levels in outdoor amenity areas of the nearest residences above the 50 dB LAeq,T criterion recommended in BS 8233 and the WHO Guidelines. Given the relatively short and infrequent periods of use proposed for the outdoor training area, the reports concludes that noise from the activities would not adversely impact the nearest residences.

#### Lighting Report

- 3.10. This document describes the site and the background to the lighting changes that have taken place, stating that suitable lighting for vehicles and people moving about the premises is a requirement of the Health and Safety at Work etc Act 1973 and the Workplace Regulations Act 1992. It also describes the lighting that was in place at the site, the lighting that is now in place, and sets out the hours of operation of the replacement lighting, which is from 07:50 until light and from dusk to 18:15.
- 3.11. The areas that are lit are identified with images and text, while the report asserts that as the flood lights are directed down to the areas they are intended to light and are controlled by a timing device, the spill of the lighting would be minimal, with no undue annoyance, discomfort, or distraction for neighbouring residents. The report also describes how the applicant has amended the lighting in direct consultation with a local resident. The duty of care to staff under the relevant legislation is reasserted, and it is further stated that not being able to operate the lights may put staff and visitors in danger or affect operating hours.

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

4.1 The relevant planning history for the site is as follows:

Y04/1275/SH	Erection of a workshop building for storage of feed and machinery (28-day notification).	Approved
Y07/0966/SH	Change of use and conversion of farm buildings to light industrial units (Class B1) together with external alterations.	Approved with conditions
Y10/0694/SH	Change of use of land and erection of a light industrial unit (Class B1) following removal of existing farm buildings	Approved with conditions
Y11/0019/NMC	Non-material changes to Y10/0694/SH – Increase in the footprint of the rear extension and addition of a roller shutter door to house the dust extraction system.	Approved
21/2469/FH	Erection of 2 commercial units Class E(g) Office use & B2 (General Industrial).	Refused

1. No justification for the need for the proposed building and use in this rural location has been supplied and the proposal would represent an unsustainable form of development in the

open countryside, contrary to Core Strategy Review policies CSD3 and CSD4.

2. By virtue of the additional built development, its form, scale, and materiality, the proposed development would harm the visual amenities of the area and the character and appearance of the countryside and the Special Landscape Area, and would fail to conserve or enhance the scenic beauty and landscape quality of the AONB, contrary to Core Strategy Review policy CSD4, Places and Policies Local Plan policies NE3 and NE5, and National Planning Policy Framework paragraph 176.
3. In the absence of evidence to the contrary, it has not been demonstrated that the proposed B2 general industrial use would not give rise to significant harm to the character of the countryside, residential amenity or the tranquillity, natural beauty and scenic quality of the Kent Downs Area of Outstanding Natural Beauty by virtue of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit,, nor that any such impacts could be satisfactorily mitigated by the imposition of planning conditions. The proposed development is therefore contrary to Policies HB1 and NE3 of the adopted Places and Policies Local Plan 2020.

25/0038/FH      Variation of Condition 8 (hours of site access) Under of planning permission Y10/0694/SH to allow consideration for increased hours to access the site for emergencies.

## 5. Consultation

Ward Member: The ward members for North Downs West are Councillor Jennifer Hollingsbee and Councillor Elaine Martin.

5.1 The key consultation responses are summarised below.

### Consultees

**Lyminge Parish Council:** Object.

- Support reasons set out in residents' letters

- Nothing within acoustic or lighting report changes position
- Industrial uses on site in breach of original conditions should be refused

**KCC Highways & Transportation:** Outside of consultation protocol.

**Kent Downs National Landscape:** Proposed floodlighting is of concern; light pollution contributes to the general erosion of dark night skies in the AONB; disturbing to wildlife; noise assessment only assesses impacts on residential receptors and not recreational users of the AONB.

**Environmental Health:** No objection subject to conditions.

### **Public Consultation**

5.2 Ten neighbours directly consulted. Seven representations received objecting to the application.

5.3 I have read the correspondence received. The key issues are summarised below:

- Roads not suited to vehicles accessing the site
- Increased traffic
- Highway safety issues
- Noise and light pollution
- Lighting scheme is different to that previous installed
- Harmful to tranquillity of rural location
- Inadequate information submitted with application
- Documentation inaccurate
- Inadequate consultation undertaken
- Economic benefits do not outweigh harm to landscape
- No need for training operation at site

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

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

## **6. Planning Policy**

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

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

- HB1 - Quality Places Through Design
- NE3 - Protecting the District's Landscapes & Countryside
- NE5 - Light Pollution & External Illumination

Core Strategy Review (2022)

- SS1 - District Spatial Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

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

Kent Downs AONB Management Plan 2021 - 2026

- MMP2 - Management of the Kent Downs AONB
- SD1 - 3, - Sustainable Development
- SD7 - 9
- LLC1 - Landform and Landscape Character

**Government Advice**

National Planning Policy Framework (NPPF) December 2024

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

- 11 - Presumption in favour of sustainable development
- 48 - Applications for planning permission be determined in accordance with the development plan
- 85 - Building a strong, competitive economy
- 88 - Supporting a prosperous rural economy
- 115 - Promoting sustainable transport
- 135 - Achieving well-designed places
- 187 / 189 - Conserving & enhancing the natural environment

Countryside and Rights of Way (CRoW) Act 2000, Section 85

**7. Appraisal**

7.1 Considering the above, the main issues are:

- a) Would the proposal harm residential amenity?
- b) Is the impact of the development upon the countryside and National Landscape acceptable?
- c) Would the development safeguard highway safety?

**a) Would the proposal harm residential amenity?**

7.2 Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of neighbours, or the surrounding area.

7.3 The proposal would introduce a training activity to the application to the site during daytime hours which, due to the use of tools and the nature of the training, would have potential to be detrimental to the residential amenity of neighbouring uses from noise and disturbance.

7.4 This aspect of the proposal has two clear parts: the activity of training at the site across a half day, and the hour-long outdoor part of the training using the track and associated equipment within the proposed half-day sessions.

7.5 The conducting of a half-day training session at the site alone is considered unlikely to give rise to any noise and disturbance, but the submitted Noise Assessment has reviewed the activities and processes involved within these training sessions, concluding that the operation of machinery could harm residential amenity by way of noise and disturbance unless controlled by condition to be for one hour only, with a restriction on the use of the rail saw and the erection and maintenance of an acoustic fence all of which are capable of being secured by way of an appropriately worded conditions. Subject to this, the proposed training use would have no significant detrimental impact upon the residential amenity of neighbours from noise and disturbance. The submitted information and mitigation has been reviewed by the Council's Environmental Health Team and found to be acceptable.

7.6 Turning to the lighting at the site, this has been introduced as a replacement for existing lighting and to provide additional lighting in areas where the applicant considers it is necessary to meet their stated duty of care for staff in respect of health and safety legislation. Whilst this consideration falls outside of the planning system, and is considered to carry minimal weight, the concerns

regarding possible light nuisance are acknowledged and are a material consideration.

- 7.7 Within the application, the applicant has proposed controls to restrict the lighting from 07:50 until light and then from dusk to 18:15. This would have lighting within short windows at either end of the day and is considered reasonable in respect of the safeguarding of the residential amenities of neighbouring occupiers.
- 7.8 With the limitations and mitigation proposed via the conditions identified above, it is considered that the impact of the noise and disturbance associated with the proposal would be acceptable in respect of the residential amenity of neighbouring occupiers.

**b) Is the impact of the development upon the countryside and National Landscape acceptable?**

- 7.9 The application site is within the Kent Downs National Landscape, and the characteristics of the designated National Landscape include both its tranquil nature, and the intrinsically dark skies associated with such rural areas.
- 7.10 The potential for additional noise and disturbance associated with the training use is acknowledged. However, this would be on a maximum of 17 half-day sessions per year, and for up to one hour within each of those sessions, equating to 17 hours over the course of a calendar year, which is considered unlikely to detrimentally impact upon the tranquil nature and overall character of the designated countryside, or the enjoyment of users of this space.
- 7.11 The proposed mitigation in the form of the acoustic fence would result in a structure approximately 40 metres long, with a 10-metre return along the west side of the training area. This would be constructed from timber and would integrate with the existing sleeper retaining wall. The use of timber is considered appropriate to the National Landscape and rural setting and over time, the timber would weather to blend into the landscape. The applicant has also proposed planting to soften and further mitigate any possible visual impact upon longer range views, which can reasonably be secured via condition.
- 7.12 For the lighting, the use of down-lighting bollards, directed lighting over doors and the tightly controlled operation of this in the manner proposed, with timings on the hours the lighting would be used restricted by condition to short windows at either end of the working day, would result in no significant detrimental impact upon the intrinsically dark skies that form part of the character of the designated National Landscape.
- 7.13 In restricting the number of training sessions, limiting lighting use to shorter 'windows' than previously stated, and securing planting by condition, it is considered that the Council has taken appropriate and proportionate measures relative to the development to avoid and mitigate the effects of the proposal

and further the purpose of conserving and enhancing the natural beauty of the designated landscape.

- 7.14 Overall, it is considered that the proposal would not result in any significant detrimental impact upon the character of the designated National Landscape as to warrant a ground of refusal.

**c) Would the development safeguard highway safety?**

- 7.15 The proposal would utilise the existing vehicular access to the site, with up to 17 days across a calendar year when additional traffic would enter and leave the site, which is considered acceptable in highway safety terms.
- 7.16 The guidance within the National Planning Policy Framework at paragraph 115 is noted where “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In this case, there are no significant demonstrable highway safety issues, and the proposal is considered acceptable.
- 7.17 The facility would accommodate existing staff, removing the need to attend external training facilities off-site and reducing traffic movements associated with it. This is considered to be a material consideration in relation to achieving sustainable development through minimising waste pollution (para. 8c) NPPF).

**Environmental Impact Assessment**

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

**Local Finance Considerations**

- 7.19 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.
- 7.20 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy is not applicable to this proposal.

## **Human Rights**

- 7.21 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.

## **Public Sector Equality Duty**

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

## **Working with the applicant**

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

## **8. CONCLUSION**

- 8.1. Through the imposition of appropriately worded conditions which would restrict both the frequency and duration or training activities, control the use of specific tools, secure mitigation, and limit the use of installed lighting to within specific, short windows, it is considered that the proposal to allow training activities at the sight and the retention of installed lighting, would have no significant detrimental impact upon the residential amenity of neighbouring dwellings, the character of the designated landscape, or have any demonstrable harm upon highway safety.
- 8.2. Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## 9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council ([www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 24/1356/FH.

## 10. RECOMMENDATION

**That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### Conditions:

1. The development shall be as shown on approved drawings and within the approved documents:

Acoustic Fence Planning Drawing 1234-FR-00-XX-DR-A-1001 S2 Rev. P01  
Adrian James Acoustics Limited Technical Report 13629 Report 1

As approved as part of planning permission reference Y10/0694/SH and non-material amendment reference Y11/0019/NMC

Reason: For the avoidance of doubt.

2. The external activities associated with the training activities hereby permitted shall take place only between the hours of 09:00 and 15:00, Monday to Friday, up to 17 times per calendar year, for up to one hour for each course, and with up to six trainees at any one time, with the site operator keeping a record of all such training events, that shall be retained for the inspection of the Local Planning Authority, at any time.

Reason: In the interest of the amenities of nearby residents.

3. No rail saws shall be used within the training activities hereby permitted at any time.

Reason: In the interest of the amenities of nearby residents.

4. The lighting hereby permitted at the site, as shown on the approved plan, shall be operated only between 07:50 until light and from dusk to 18:15, Monday to Friday.

Reason: In the interests of residential amenity and the character of the designated countryside.

5. Notwithstanding the information contained within the application, details of an acoustic fence to be erected that would meet the requirements set out within Adrian James Acoustics Limited Technical Report 13629 Report 1, shall be submitted to the Local Planning Authority, for approval in writing, with such details as approved, implemented in full prior to the first training activity following the grant of planning permission, and thereafter maintained.

Reason: In the interests of the amenities of nearby residents.

6. Prior to first use of the training area hereby permitted, details of soft landscaping to screen the acoustic fence shall have been submitted to the Local Planning Authority for approval in writing. These details shall include any existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme. All landscaping works shall be carried out in accordance with the approved details.

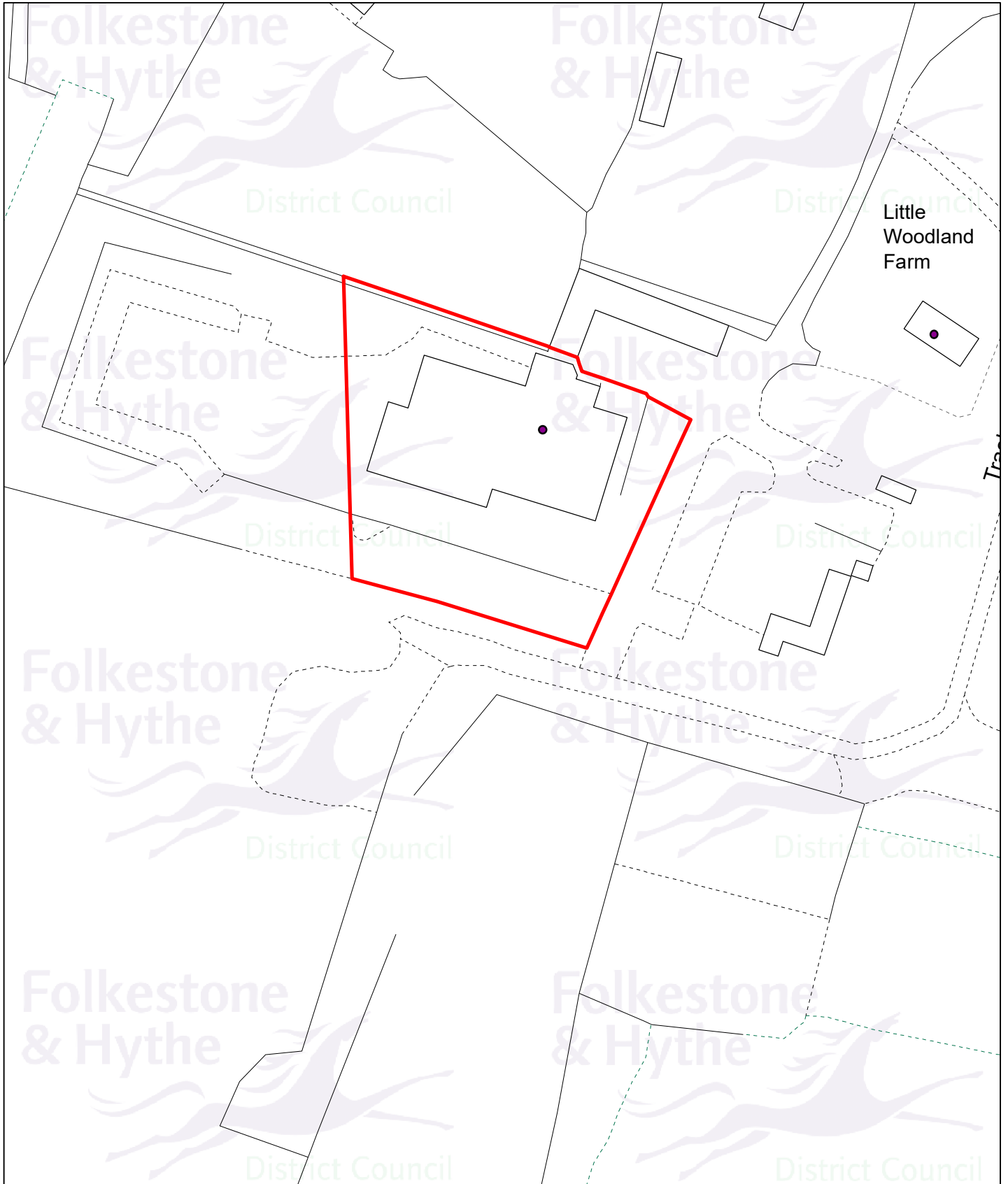
Reason: In the interests of the visual amenity of the area given the location within the Kent Downs National Landscape.

7. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenity of the area given the location within the Kent Downs National Landscape.

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22/1122/FH - Little Woodland Farm, The Workshop, Woodland Road,  
Lyminge, Folkestone, CT18 8DP



Planning Application:  
22/1122/FH

Drawn date:  
30 Jul 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
1441/COP/LS

Llywelyn Lloyd  
Chief Planning Officer

Contains Ordnance Survey data  
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<b>Application Number</b>	25/0038/FH
<b>Location</b>	Little Woodland Farm, Woodland Road, Lyminge, CT18 8DP
<b>Application Description</b>	Variation of Condition 8 (hours of site access) of planning permission Y10/0694/SH to allow for increased hours to access the site for emergencies.
<b>Applicant</b>	Mr D Saunders
<b>Agent</b>	Ms Alice Beeken
<b>Officer Contact</b>	Robert Allan

## Recommendation

**That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### 1. Reason for consideration by the Committee

- 1.1. The application is reported to Committee due to the views of Lyminge Parish Council.
- 1.2. The application was deferred at the meeting of the Planning and Licensing Committee on 12 August in order to allow correct notification of interested parties.

### 2. Site and Surroundings

- 2.1 The application site is outside of the defined settlement boundary of Folkestone, approximately 0.5 miles to the west of the settlement boundary of Lyminge, so is within the open countryside in planning policy terms. The site is within the designated Kent Downs National Landscape (NL) and North Downs Special Landscape Area (SLA).
- 2.2 The site is part of a small industrial complex comprising a building used by Fuse Rail under use class E purposes, and a smaller building immediately to the north of this, formally a wood workshop (Class B2). The land falls from northwest to southeast and the western end of the site, which is currently open, is set into the hillside, with retaining structures terracing the sides. The existing building is a two-storey metal-clad structure with brick plinth and single storey

element that wraps around the southwest corner to partially extend along the western and eastern elevations.

- 2.3 The site is accessed from Woodland Road, a country lane, with public bridleway (HE42) passing along the western boundary of the application site. There are residential uses to the north and north west, predominantly following the line of the road. The three properties immediately to the north are Grade II listed
- 2.4 A site location plan is attached to this report as **Appendix 1**.

### **3. Proposal**

- 3.1. A variation in the wording of Condition 8 (hours of site access) of planning permission Y10/0694/SH is sought to allow for increased hours to access the site for emergencies.
- 3.2. Planning permission under Y10/0694/SH was granted for the change of use of the land and the erection of a light industrial unit (Class B1) following the removal of the existing farm building. This was permitted subject to several conditions, one of which (condition 8) controlled the hours of use of the building thus:

*The use of the building hereby permitted shall not be used outside the hours of 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and not at all on Sundays, Bank Holidays and Public Holidays and no deliveries shall be taken or dispatched to or from the site outside these specified hours.*

*Reason: In the interest of the amenities of nearby residents.*

- 3.3. The applicant has stated that there are occasions outside of these hours where access to the site is needed to collect equipment for repair works. The company service clients such as National Rail, where repair works are needed to vital infrastructure without warning and outside of normal working hours. The applicant states that such incidents are rare, with a predicted frequency of less than once a month over the course of calendar year.
- 3.4. A response to such an incident is stated to typically involve 1-2 members of staff visiting the site in a medium sized van, with one visit per incident and access to the building required to collect relevant equipment. It is proposed that the current operational hours of the building and site would remain unchanged.
- 3.5. In order to accommodate this, the following amendment to the proposed condition is proposed:

*The building and site shall not be used outside the hours of 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and not at all on Sundays, Bank Holidays and Public Holidays, with no deliveries to be taken or dispatched to or from the site outside these specified hours, except in*

*association with out of hours essential infrastructure repair activities of which there shall be a maximum of 12 out of hours visits in any one calendar year, with the vehicles associated with these 12 visits being Light Goods Vehicles only, and the site operator keeping a record of all such incidents, that shall be retained for the inspection of the Local Planning Authority, at any time.*

*Reason: In the interest of the amenities of nearby residents.*

3.6. The following report was submitted by the applicant in support of the proposal:

Planning Statement

3.7. This concludes that the proposal would have no adverse amenity impact, being of a short duration and with a small vehicle, whilst improving the economic viability of the site and securing its future in contributing to a strong and competitive economy.

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

4.1 The relevant planning history for the site is as follows:

Y04/1275/SH	Erection of a workshop building for storage of feed and machinery (28-day notification).	Approved
Y07/0966/SH	Change of use and conversion of farm buildings to light industrial units (Class B1) together with external alterations.	Approved with conditions
Y10/0694/SH	Change of use of land and erection of a light industrial unit (Class B1) following removal of existing farm buildings	Approved with conditions
Y11/0019/NMC	Non-material changes to Y10/0694/SH – Increase in the footprint of the rear extension and addition of a roller shutter door to house the dust extraction system.	Approved
21/2469/FH	Erection of 2 commercial units Class E(g) Office use & B2 (General Industrial).	Refused

1. No justification for the need for the proposed building and use in this rural location has been supplied and the proposal would represent an unsustainable form of development in the

open countryside, contrary to Core Strategy Review policies CSD3 and CSD4.

2. By virtue of the additional built development, its form, scale, and materiality, the proposed development would harm the visual amenities of the area and the character and appearance of the countryside and the Special Landscape Area, and would fail to conserve or enhance the scenic beauty and landscape quality of the AONB, contrary to Core Strategy Review policy CSD4, Places and Policies Local Plan policies NE3 and NE5, and National Planning Policy Framework paragraph 176.
3. In the absence of evidence to the contrary, it has not been demonstrated that the proposed B2 general industrial use would not give rise to significant harm to the character of the countryside, residential amenity or the tranquillity, natural beauty and scenic quality of the Kent Downs Area of Outstanding Natural Beauty by virtue of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit,, nor that any such impacts could be satisfactorily mitigated by the imposition of planning conditions. The proposed development is therefore contrary to Policies HB1 and NE3 of the adopted Places and Policies Local Plan 2020.

22/1122/FH      Retrospective Application for the creation of a      Under  
test and training track (railway) to support      consideration  
internal training of fuse rail track staff  
competencies in a safe environment &  
permission to allow for the safety lighting  
presently in place to remain

## 5. Consultation

Ward Member: The ward members for North Downs West are Councillor Jennifer Hollingsbee and Councillor Elaine Martin.

- 5.1 The key consultation responses are summarised below.

### Consultees

**Lyminge Parish Council:** Object.

- Work already being carried out outside of designated times
- Impact upon residents and ecology
- Increase in traffic issues
- Increase in light and noise pollution around the clock
- Directional signage ignored
- Highway safety issues

**KCC Highways & Transportation:** No objection.

**Kent Downs National Landscape:** We will not normally provide bespoke comments on more minor applications such as this. This does not imply support for, or objection to, the proposal.

**Environmental Health:** No objection subject to condition.

**Public Consultation**

5.2 Thirteen neighbours directly consulted. Ten representations received objecting to the application.

5.3 I have read the correspondence received. The key issues are summarised below:

- Detrimental to countryside and nature
- Negative impact upon residents from noise and light pollution
- Highway safety
- Unsuitable location
- How will use be monitored
- No business need
- Application imprecise
- Rural location inappropriate

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

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

**6. Planning Policy**

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

6.2 The relevant development plan policies are as follows:

Places and Policies Local Plan 2020

- HB1 - Quality Places Through Design
- NE3 - Protecting the District's Landscapes & Countryside
- NE5 - Light Pollution & External Illumination

Core Strategy Review (2022)

- SS1 - District Spatial Strategy
- SS3 - Place-Shaping and Sustainable Settlements Strategy
- CSD4 - Green Infrastructure of Natural Networks, Open Spaces and Recreation

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

Kent Downs AONB Management Plan 2021 - 2026

- MMP2 - Management of the Kent Downs AONB
- SD1 - 3, - Sustainable Development
- SD7 - 9
- LLC1 - Landform and Landscape Character

**Government Advice**

National Planning Policy Framework (NPPF) December 2024

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

- 11 - Presumption in favour of sustainable development
- 48 - Applications for planning permission be determined in accordance with the development plan
- 85 - Building a strong, competitive economy
- 88 - Supporting a prosperous rural economy

- 115 - Promoting sustainable transport
- 135 - Achieving well-designed places
- 187 / 189 - Conserving & enhancing the natural environment

Countryside and Rights of Way (CRoW) Act 2000, Section 85

## **7. Appraisal**

- 7.1 An application can be made under section 73 of the Town & Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
- 7.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. In this instance a decision notice describing the new permission would be issued, setting out all of the conditions related to it. To assist with clarity, a decision notice for the grant of planning permission pursuant to an application made under section 73 also repeats the relevant planning conditions from the original planning permission, unless they have already been discharged.
- 7.3 It should be noted that a section 73 application is not an opportunity to reconsider the planning merits of the original application. The local planning authority can only consider the question of the conditions subject to which planning permission should be granted. If it is considered that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, then planning permission should be granted accordingly. If it is decided that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, then the application should be refused.
- 7.4 In light of the above the main issues for consideration are:
- a) Would the proposal harm residential amenity?
  - b) Is the impact of the development on the Kent Downs National Landscape acceptable?
  - c) Would the development safeguard highway safety?
- a) Would the proposal harm residential amenity?**
- 7.5 Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of neighbours, or the surrounding area.

- 7.6 The proposed amendment would permit limited activity within the site during antisocial hours and has the potential to be detrimental to the residential amenity of neighbouring uses. However, the proposed amendment to the condition would restrict the use of the site by allowing a maximum of up to twelve out of hours visits in any calendar year, which would average at one per month.
- 7.7 Additionally, the type of vehicle is proposed to be controlled, limited to a Light Goods vehicle only, with a log required to be kept by the site operator of all out of hours visits, which would assist the Local Planning Authority in monitoring and controlling usage.
- 7.8 Consequently, with this control in place, it is considered that the average activity levels across a calendar year would not result in any significant detrimental harm to the residential amenity of neighbouring occupiers.
- 7.9 Members should note that the legislative path followed (section 73 of the Town and Country Planning Act 1990) does not result in a variation of the existing planning permission, but results in a new planning permission, should permission be granted. Consequently, and as established through caselaw, this confers power upon the determining authority to impose new conditions which could lawfully have been imposed on the grant of the original planning permission.
- 7.10 In this regard, neighbour concerns regarding possible light nuisance are noted and it is considered reasonable to include an additional condition to cover the operation of lighting at the site during the proposed out of hours visits. The suggested wording is as follows:
- No additional lighting shall be installed and any existing lighting at the site required in association with out of hours visits, shall be operated only for the duration of the visit and shall be extinguished thereafter.*
- Reason: In the interests of residential amenity and the character of the designated countryside.*
- 7.11 This would have the effect of limiting the duration of any lighting required to facilitate access of the site, to the time over which the operatives were at the site only.
- 7.12 With the limitations proposed via the conditions identified above, it is considered that the impact of the noise and disturbance associated with the proposed changes would be mitigated to an acceptable level in respect of the residential amenity of neighbouring occupiers.

**b) Is the impact of the development on the Kent Downs National Landscape acceptable?**

- 7.13 The application site is within the Kent Downs National Landscape, where great weight should be given to conserving and enhancing landscape and scenic beauty and the designated landscape enjoys highest status of protection in relation to these issues (paragraph 189 NPPF 2024).
- 7.14 The characteristics of the designated National Landscape include both its tranquil nature, and the intrinsically dark skies associated with such rural areas.
- 7.15 The additional noise and disturbance associated with up to twelve out of hours incidents in any calendar year is considered unlikely to detrimentally impact the tranquil nature of the area. In addition, no new additional lighting is proposed as part of this submission and the operation of the existing lighting in association with the out of hours activity can be controlled by condition. It is considered that there would be no significant detrimental impact upon the intrinsically dark skies that form part of the character of the designated National Landscape.
- 7.16 Overall, it is considered that the proposal would not result in a significant detrimental impact upon the character of the designated National Landscape.

**c) Would the development safeguard highway safety?**

- 7.17 The proposal would utilise the existing vehicular access to the site, which is considered acceptable in highway safety term.
- 7.18 The guidance within the National Planning Policy Framework at paragraph 115 is noted where “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. In this case, there are no significant demonstrable highway safety issues, and the proposal is considered acceptable.

**d) Other Matters**

- 7.19 This application seeks to regularise the ‘out of hours’ activities raised as a concern by the Parish Council.
- 7.20 Vehicles associated with the site ‘not following directional signage’ amounts in a site management matter and is not material to the consideration of this planning application.

**Environmental Impact Assessment**

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

**Local Finance Considerations**

7.22 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.

7.23 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy is not applicable to this proposal.

### **Human Rights**

7.24 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.

### **Public Sector Equality Duty**

7.25 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

7.26 It is considered that the application proposals would not conflict with objectives of the Duty.

### **Working with the applicant**

7.27 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development

proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

## 8. CONCLUSION

- 8.1. Through the imposition of appropriately worded conditions which would restrict the number of visits and vehicle type, and limit lighting use, it is considered that the proposal to allow access to the site outside of normal working hours would have no significant detrimental impact upon the residential amenity of neighbouring dwellings, or the character of the designated landscape. There is also no demonstrable harm to highway safety.
- 8.2. Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## 9. BACKGROUND DOCUMENTS

- 9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council ([www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 24/1356/FH.

## 10. RECOMMENDATION

**That planning permission be granted subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

### Conditions:

1. The development is as shown on approved drawings:

1001/01, 1001/02 Rev. B, 1001/003 Rev. B and 1001/004 Rev. B

As approved as part of planning permission reference Y10/0694/SH and non-material amendment reference Y11/0019/NMC

Reason: For the avoidance of doubt.

2. The building and site shall not be used outside the hours of 08.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 13.00hrs Saturdays and not at all on Sundays, Bank Holidays and Public Holidays, with no deliveries to be taken or dispatched to or from the site outside these specified hours, except in

association with out of hours essential infrastructure repair activities of which there shall be a maximum of 12 out of hours visits in any one calendar year, with the vehicles associated with these 12 visits being Light Goods Vehicles only, and the site operator keeping a record of all such incidents, that shall be retained for the inspection of the Local Planning Authority, at any time.

Reason: In the interest of the amenities of nearby residents.

3. No additional lighting shall be installed and any existing lighting at the site required in association with out of hours visits, shall be operated only for the duration of the visit and shall be extinguished thereafter.

Reason: In the interests of residential amenity and the character of the designated countryside.

4. All manufacturing / industrial processes and storage shall be contained within the buildings and no such works or storage shall take place at any time outside the building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents.

5. The use of the premises shall be limited to uses contained within Class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any Statutory Instrument revoking or reenacting that Order.

Reason: To enable the Local Planning Authority to retain control over future development in the interests of the amenities of nearby residents and given the location within the Kent Downs National Landscape.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no development falling within Schedule 2, Part 7, Classes A, E, H, I or J shall be carried out.

Reason: To enable the Local Planning Authority to retain control over future development given its location within the Kent Downs National Landscape.

Except insofar as is necessary for reasonable delivery / collection purposes, the roller shutter doors to the front and side elevations of the building shall be kept closed during the hours of operation of the premises at all times.

Reason: In the interests of the amenities of nearby residents.

7. The car parking spaces shown on the approved plans associated with planning permission reference Y10/0694/SH shall be always retained for parking purposes in association with the premises.

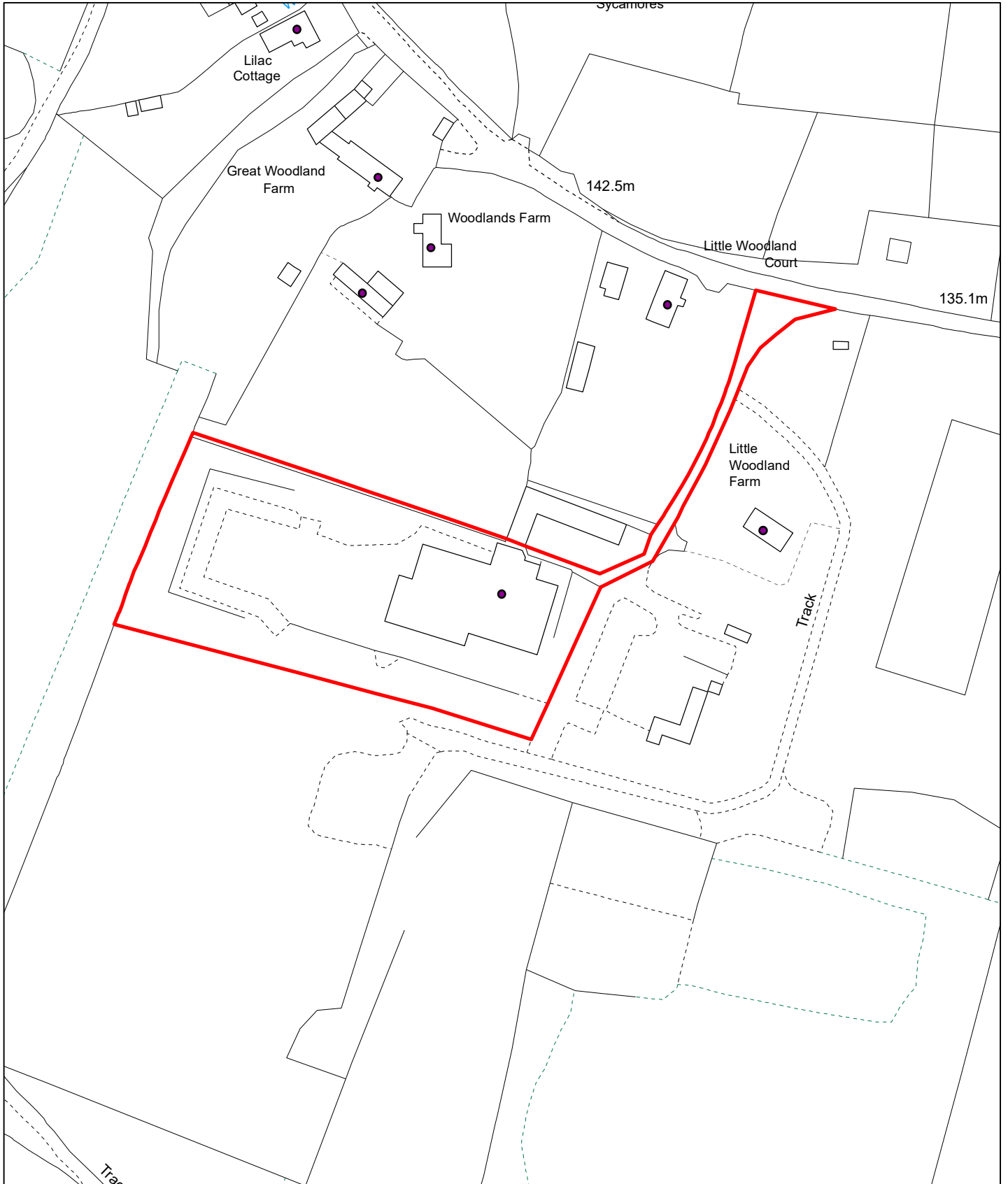
Reason: In the interests of highway safety and amenity.

8. No external lighting shall be erected within the site or on the buildings unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the residential amenity of neighbouring properties and the visual character of the designated National Landscape.

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**25/0038/FH - LITTLE WOODLAND FARM, (WORKSHOP), WOODLAND ROAD, LYMINGE, FOLKESTONE, CT18 8DP**



Planning Application:  
25/0038/FH

Drawn date:  
30 Jul 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
1441/COP/LS



Llywelyn Lloyd  
Chief Planning Officer

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<b>Application Number</b>	25/0893/FH/CON
<b>Location</b>	Bus Station, Bouverie Square, Folkestone CT20 1BA
<b>Application Description</b>	Approval of details pursuant to condition 4 (Part A) (archaeology) and condition 5 (Parts A, B and C) (contamination) of planning permission 24/1650/FH
<b>Applicant</b>	Folkestone and Hythe District Council
<b>Agent</b>	Mr Andrew Cruttenden
<b>Officer Contact:</b>	Andrew Byrne

## **Recommendation**

**That condition 4 (Part A) be approved in accordance with the details and documents provided. That the Chief Planning Officer be granted delegated authority to approve condition 5 (Parts A, B and C) subject to no objection raised by the contamination consultant (IDOM) employed by the Council as the local planning authority.**

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

- 1.1. This application is reported to the Planning Committee because the Council has a substantial interest in the site.

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

- 2.1 The application site is an operational bus station which benefits from planning permission (24/1640/FH) for a change of use and associated development to an outdoor park.
- 2.2 A site location plan is attached to this report as **Appendix 1**.

### **3. Proposal**

- 3.1. Approval is sought for details submitted pursuant to conditions 4 (archaeology) and 5 (contamination) of planning permission 24/1650/FH.
- 3.2. The full wording of the conditions is as follows:

#### CONDITION 4 (archaeology)

*To ensure that features of archaeological interest are properly examined and recorded during development works:*

*(A) Prior to any development works the applicant (or their agents or successors in title) shall secure an archaeological watching brief so that excavations and other development groundworks are observed and heritage*

*assets with archaeological interest are recorded. The watching brief shall be undertaken by an archaeologist approved by the Local Planning Authority and in accordance with a Specification which has been submitted to, and approved in writing, by the Local Planning Authority.*

*(B) The archaeological watching brief, recording, post excavation assessment, analysis and reporting shall be carried out in accordance with the agreed Specification.*

*(C) Within 6 months of the completion of the watching brief a Report shall be submitted to and approved in writing by the local planning authority.*

*Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with local and national planning policy*

#### CONDITION 5 (Contamination)

*(A) No development shall take place until a desk top study has been undertaken and submitted to and approved in writing by the Local Planning Authority. The study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall also be included.*

*(B) If the desk top study shows that further investigation is necessary, an investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:*

*(i) A survey of the extent, scale and nature of contamination;*

*(ii) An assessment of the potential risks to:*

- *Human health;*
- *Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
- *Adjoining land,*
- *Ground waters and surface waters,*
- *Ecological systems,*
- *Archaeological sites and ancient monuments; and*

*(iii) An appraisal of remedial options and identification of the preferred option(s).*

*All work pursuant to this condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).*

*(C) If investigation and risk assessment shows that remediation is necessary, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.*

*(D) No development shall take place until a verification report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include details of longer-term monitoring of pollutant linkages and maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.*

*(E) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.*

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors*

- 3.3. The details submitted relate specifically to part (A) of condition 4 and parts (A), (B) and (C) of condition 5.
- 3.4. The following reports were submitted by the applicant in support of the proposals. Members should note that the reports also cover wider proposals for works under the Folkestone – A Brighter Future project, and not just the bus station site in isolation. However for the purposes of approving these conditions, only information relating to the bus station site is of relevance.

Archaeological and Geoarchaeological Watching Brief and Written Scheme of Investigation (June 2025)

- 3.5. The submitted document identifies the geology and archaeological background to the site, up to its current / last use as a bus station. The document sets out the aims and objectives of the brief to establish the presence or absence of archaeological remains encountered during works, and to preserve by record and/or *in situ* (depending on significance) such remains. The watching brief will be maintained during works incorporating deeper excavations, including areas for tree pits, and the infiltration tank, and will be carried out by an archaeologist in consultation with a geoarchaeologist. In the event that features of significance are identified, the County Archaeologist will be notified in order to determine their subsequent treatment and investigation.
- 3.6. The report states that machine excavations will take place using a flat bladed bucket and at no more than 100-200mm at a time. The monitoring archaeologist can halt excavations to make observations and identify / record any features. All features will be recorded in accordance with established guidelines. A summary of ongoing work and discoveries will be provided each month to the County Archaeologist.
- 3.7. A report will subsequently be provided to present the results of the watching brief including any finds recovered. The report will include interpretation and discussion of the archaeology of the site, including location, extent, date, condition, significance and importance.

Statement of Intent and Preliminary Sources Study Report

- 3.8. This document represents a desk study which includes a site walkover, searches of environmental information and site history, and includes a conceptual site model and risk assessment relating to the likelihood of contamination being present on the site. The report concludes that there are potential contaminant sources that may pose a risk and that intrusive investigation is necessary.

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Ground Investigation Report

- 3.9. This document reports on intrusive ground investigations undertaken by a specialist geotechnical contractor. It identifies 6 locations within the bus station site where trial pits / boreholes were dug. The report identifies the presence of some ground contamination but notes that the site will largely be covered by hardstanding which will prevent any mobilisation. It states that in areas of soft standing there is a higher possibility of exposure and recommends that a simple clean capping layer is constructed in areas of soft landscaping.

Remediation Strategy

- 3.10. This document identifies remediation measures to be undertaken. For areas of soft landscaping, this includes excavation and removal of made ground and soils and installation of a capping layer comprising a geotextile marker layer overlain by subsoil and a layer of topsoil. In areas of hard landscaping, the capping layer will comprise a granular subbase overlaid by the surface finish, to a depth of 0.4m.

**4. Relevant Planning History**

- 4.1. The relevant planning history for the site is as follows:

24/1650/FH	Change of use of existing Bus Station to outdoor park, including construction of new surfaces, seating areas and hard and soft landscaping	Approved with conditions.
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**5. Consultation**

- 5.1. The consultation responses are summarised below.

Consultees

**KCC County Archaeologist:** No objection. Content that part (A) of the condition can be approved.

**IDOM:** This company is used by the planning department to provide advice on matters relating to contamination. In relation to condition 5, they advise that the preliminary study and ground investigation reports are sufficient to enable parts (A) and (B) of the condition to be approved. They advise that a remediation strategy and verification plan will be required in connection with part (C) of the condition to cover the proposals for clean capping in proposed soft landscaped areas.

**[CPO Comment:** This information has recently been submitted by the applicant and IDOM have been reconsulted. Members will be informed of any update at the time of the committee].

### **Public/Neighbour Consultation**

- 5.2. Local residents are not formally consulted on applications to discharge conditions pursuant to planning approvals because these types of applications relate to technical details only. Notwithstanding this, 1 representation has been received, commenting on the archaeological information and mitigation for proposals for Guildhall Street.

**[CPO Comment:** Although the archaeology details submitted include a wider appraisal of the works to be undertaken as part of the Folkestone – A Brighter Future project, Members should note that condition 4 only applies to the development subject to planning permission 24/1650/FH which relates specifically to the bus station site. As such, the matters raised in the representation are not specifically relevant to this site. A copy of the representation has nonetheless been sent to the County Archaeologist for their review].

### **Ward Member**

- 5.3. No comments received from the Ward Members.

## **6. Planning Policy**

- 6.1. This application relates to the assessment of technical details relating to the approved development at the site. It is not an application for planning permission, where regard must be had to development plan policies and other material considerations.

## **7. Background**

- 7.1. This application only seeks approval of technical details relating to the approved scheme already approved under 24/1650/FH. This is not an application for planning permission.
- 7.2. All considerations are therefore limited to the technical details.

## **8. Appraisal**

- 8.1. In light of the above the only matters for consideration are:
- a) Condition 4 – Whether the archaeological mitigation is acceptable?
  - b) Condition 5 – Whether details to identify and mitigate any risks from contamination are acceptable?
- a) **Condition 4 – Whether the archaeological mitigation is acceptable?**

- 8.2. Condition 4 which relates to archaeological mitigation contains 3 parts. Part A relates to the requirement for an Archaeological Watching Brief to be submitted and approved prior to the commencement of the development. Part B requires the works to be carried out (during construction) to adhere to the details set out in the watching brief. Part C relates to the future reporting of the archaeological mitigation works and requires a report to be submitted and approved within 6 months of the completion of the steps set out within the watching brief.
- 8.3. The current submission relates to part A only. The submitted Archaeological Watching Brief sets out the objectives, methods, recording procedures and reporting of the works to be undertaken.
- 8.4. The County Archaeologist has been consulted and confirms that the Watching Brief is acceptable to meet the requirements of part A of condition 4. In light of this, it is recommended that part A of condition 4 is approved.
- b) Condition 5 - whether details to identify and mitigate any risks from contamination are acceptable?**
- 8.5. Condition 5 is split into five parts. Part A requires a desk top study to be undertaken to identify the likelihood of contamination. Part B requires an investigation report and risk assessment if the desk top study shows this is necessary. The Council's contamination consultant (IDOM) is satisfied with the information provided in the desk top study and the investigation reports submitted and advises that parts (A) and (B) of the condition can be approved.
- 8.6. Part (C) of the condition requires a remediation scheme to be submitted and approved if the site investigation report identifies that remediation is necessary. In this instance the site investigation report has identified that clean capping in proposed soft landscaped areas is required. The applicant has recently provided a remediation scheme and the information has been sent to IDOM for further comment.
- 8.7. Given that this relates to a technical contamination matter that requires expert advice from the Council's contamination consultant, it is recommend that in order to avoid a delay in the determination of this application, Members delegate authority to the Chief Planning Officer to approve condition 5 (parts (A), (B) and (C)) in the event that the contamination consultant raises no objection to the remediation strategy.

### **Human Rights**

- 8.8. 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.

### **Public Sector Equality Duty**

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

### **Working with the applicant**

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

## **9 CONCLUSION**

- 9.1. No objections have been received from the County Archaeologist in relation to condition 4 (Part A). As such, this condition of planning permission 24/1650/FH should be approved.
- 9.2. No objections have been received from the Council's contamination consultant in relation to parts (A) and (B) of condition 5. Details of the remediation required under part (C) have been submitted and the consultant has been reconsulted. It is recommended that in order to avoid unnecessary delay in determination of this application, that delegated authority be given to the Chief Planning Officer to discharge condition 5 subject to such information being acceptable to the Council's contamination consultant.

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## 10 BACKGROUND DOCUMENTS

- 10.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council ([www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 25/0893/FH/CON

## 11 RECOMMENDATION

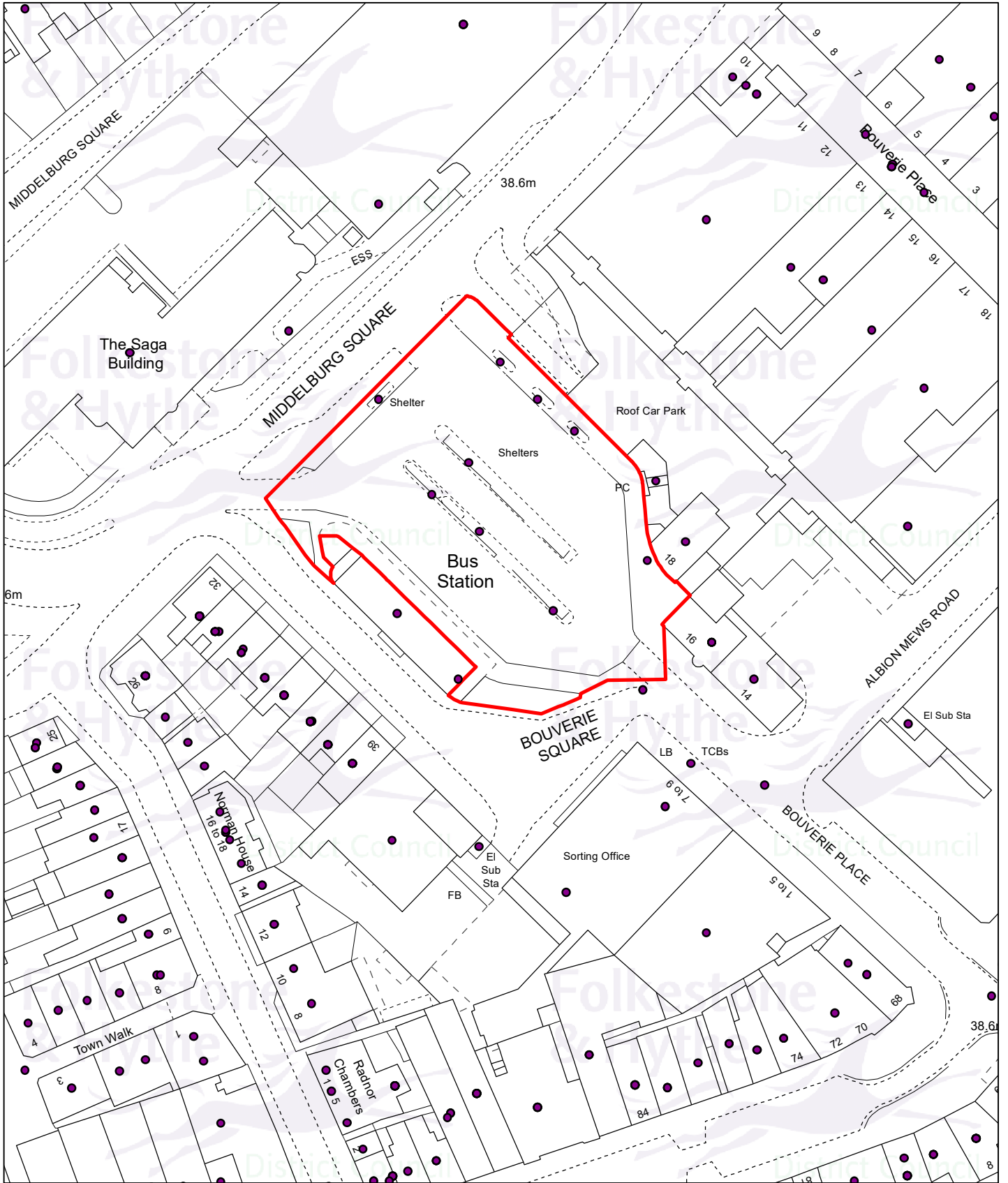
**That condition 4 (Part A) be approved in accordance with the details and documents provided. That the Chief Planning Officer be given delegated authority to approve condition 5 (Parts A, B and C) in accordance with the details and documents provided subject to there being no objection from the Council's contamination consultant. That the informatives included at the end of the report be attached to the approval, and authorisation is given to the Chief Planning Officer to amend the wording of these/include additional informatives as he feels is appropriate.**

Informatives:

1. This approval of condition 4 (Part A) is given on the basis of the following information:  
  
Archaeological and Geoarchaeological Watching Brief Written Scheme of Investigation by Archaeology South East dated June 2025 (Revision 4)
2. This approval of condition 5 (Parts A, B and C) is given on the basis of the following information:  
  
Statement of Intent and Preliminary Sources Study Report – Phase 2 by AECOM (18 September 2023)  
  
Ground Investigation Report by AECOM (23 August 2024)  
  
Remediation Options Appraisal and Remediation Strategy by AECOM (August 2025)

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25/0893/FH/CON - OFFICES, BUS STATION, BOUVERIE SQUARE, FOLKESTONE, CT20 1BA



Planning Application:  
25/0893/FH/CON

Drawn date:  
27 Aug 2025

Drawn by:  
Carrie Stacey

Drawing ref:  
2235/COP/EC

*Llywelyn Lloyd*  
Llywelyn Lloyd  
Chief Planning Officer

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**FOLKESTONE & HYTHE DISTRICT COUNCIL  
PLANNING AND LICENSING COMMITTEE – 9 September 2025**

**Declarations of Lobbying**

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

<b>Application No:</b>	<b>Type of Lobbying</b>
	.....
	.....
	.....
	.....
	.....
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	.....

SIGNED: .....

**Councillor Name (in CAPS)** .....

**When completed, please return this form to the Committee Administrator prior to the meeting.**

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