

Land at Orchard Farm, Kennington, Ashford

Reserved Matters Application for Layout, Scale, Landscaping, Internal Access Arrangements and Appearance pursuant to Condition 1 of Outline Permission Reference 19/00834/AS

Planning Statement (including Affordable Housing Statement)

February 2023

## Contents

1. Introduction	Pg.3
2. Planning Context	Pg.5
3. Self & Custom Build	Pg.7
4. Planning Assessment	Pg.11
5. Summary & Conclusion	Pg.22

Appendix 1 - Local Development Order: Graven Hill, Bicester

## 1. Introduction

This Planning Statement has been prepared by Orchard Farm Kent Limited (OFKL) in support of the:

*Reserved Matters Application for layout, scale, landscaping, internal access arrangements and appearance pursuant to Condition 1 of Outline Approval Reference 19/00834/AS.*

For:

*Land at Orchard Farm, Canterbury Road, Kent (hereafter referred to as 'the Site').*

This application is supported by the following documents:

- Forms & Certificates
- Location Plan: Dwg. No. CUS\_OFK\_LP\_01
- Drawings (see separate drawing list)
- Planning Statement (including Affordable Housing Statement)
- Statement of Community Involvement
- Drainage Scheme
- Infiltration Testing
- Ecological Mitigation Method Statement
- Ecological Design Strategy
- Archaeological Written Scheme of Investigation
- Nutrient Neutrality Report
- Habitats Regulations Assessment Report

Submitted alongside this is and accompanying application for Release of Conditions 3 (site wide masterplan), 4 (boundary treatment), 8 (civil engineering details), 13 (parking arrangements), 15 (surface water drainage), 20 (refuse storage), and 21 (landscaping) of Outline Approval Reference 19/00834/AS.

### **Vision**

Our vision for Orchard Farm is to create the first sustainable Self-Build community in Kent.

As a developer our overarching purposes is to empower Self-Builders to be able to shape their environment: as individuals but also as part of a community. We encourage them to express their unique identities, by offering freedom of choice, within a framework of specific regulations which help create a cohesive and distinctive neighbourhood.

Our aim to create a community with a distinct sense of place. Our inspiration in shaping the Orchard Farm community has been informed by the distinctive characteristics rural East Kent. Guided by the typical configuration of individual farms and small hamlets located in Kent we have developed an inventive spatial plan. Buildings will be set within this framework, allowing individual expression yet respectfully integrating the best of the local East Kent character.

Self-build at Orchard Farm provides an incredible opportunity for anyone to create their next home, with their design their and builder. We want to enable anyone who wants to build their own home to do just that.

## **Delivery Strategy**

The scheme for which this application is seeking approval, represents Phase 1 of a larger development on the Site. The balance of the site is subject to separate hybrid planning application. In total development at Orchard Farm will provide up to 122 dwellings.

A comprehensive 'site wide' approach is being taken to the delivery of the Site. An overarching, detailed masterplan for the entire Site has been designed. The Phase 1 Reserved Matters proposals have been prepared within the framework of the site wide masterplan. This statement sets out the design rational and justification for the site wide Masterplan, before describing the detail of the Phase 1 proposals.

In addition, a Full Application for 'Phase 1 Infrastructure' has also been submitted. The Phase 1 infrastructure application seeks approval for the installation of a Package Treatment Plant which is required to achieve nutrient neutrality for the development.

## **Orchard Farm Kent Limited**

Orchard Farm Kent Limited (OFKL) is a partnership between Steenvlinder and Urbanise created to deliver the first sustainable Self-Build community in Kent at Orchard Farm.

Steenvlinder was founded in 2015 by Marnix Norder and Hans Sparreboom. The company employs 50 people working within the Netherlands and United Kingdom and has delivered 2,000 homes in the Netherlands. Steenvlinder is currently investing in new markets, including England.

Urbanise is a Kent-based developer led by architect Adam Roake and marketing professional Catriona Campbell.

## 2. Planning Context

### **Policy Designation**

The land has been allocated for housing within the Ashford Borough Council Local Plan 2030 as part of Site Policy S2 – land to the rear of Canterbury Road and A2070 Willesborough Road.

The Council has already granted planning permission for 725 dwellings, a 2 FE Primary School, a Bowls Club, a Commercial Centre and associated infrastructure and open space under planning approval 19/00025/AS.

### **Planning History**

On 26th August 2020 Ashford Borough Council granted Outline Planning Permission Reference 19/00834 for up to 25 dwellings on part of the Site. This effectively comprises Phase 1 of our development.

The Outline Permission included various conditions requiring further detail through subsequent Reserved Matters applications as well as further technical information.

The Outline Permission was also subject to a Section 106 Agreement which required Affordable Housing provision and contributions towards: Adult and Social Care; Allotments; Children & Young Peoples Play Space; Community Learning; Health Care; Informal Natural Green Space; Libraries; Outdoor Sports; Primary Schools; Secondary Schools; Strategic Parks; Youth Services.

### **Policy Framework**

The adopted development plan for the site comprises the Ashford Borough Council Local Plan 2030. The following development plan policies are relevant to the determination of this application:

- SP2 The Strategic Approach to Housing Delivery
- SP6 Promoting High Quality Design
- S2 Land North-East of Willesborough Road, Kennington
- HOU1 Affordable Housing
- HOU6 Self & Custom Build Development
- HOU12 Residential Space Standards
- HOU 14 Accessibility Standards
- HOU15 Private External Open Space
- HOU18 Providing a range and mix of dwelling types and sizes
- TRA3a Parking Standards for Residential Development
- TRA5 Planning for Pedestrians
- TRA6 Provision for Cycling

- TRA7 The Road Network & Development
- TRA8 Travel Plans, Assessments & Statements
- ENV1 Biodiversity
- ENV3a Landscape Character & Design
- ENV6 Flood Risk
- ENV7 Water Efficiency
- ENV8 Water Quality, Supply & Treatment
- ENV9 Sustainable Drainage
- ENV10 Renewable & Low Carbon Energy
- COM1 Meeting Community Needs
- COM2 Recreation, Sport, Play & Open Spaces

### 3. Self and Custom Build

The Government has long had a clear agenda for supporting and promoting the Self-Build and custom-building sector. This is because self and custom build housing delivers a wide range of benefits alongside simply meeting housing needs. These benefits include:

- Supporting small and medium sized local builders and contractors, directly stimulating the local economy, and creating local employment and creating new skills.
- Encouraging and supporting the use of green technologies and sustainable construction measures (which are more actively used by self and custom builders).
- Encouraging and supporting the emerging Modern Method of Construction (MMC) sector (which are also more actively used by self and custom builders).
- Creating diversity and interest in the built environment.
- Supporting the community led housing sector.
- Supporting the diversification of the house building industry and reducing the reliance and dependence upon the national housebuilders to meet housing needs.
- Creating another route to helping deliver affordable and accessible housing.
- Reconnect housing with local people and local needs and strengthening the idea that housing is a positive enhancement for communities.
- Giving people choice about how they live their lives!

The Housing and Planning Act 2016 formally introduced the 'Right to Build' at Chapter 2. This 2016 Act under the 'duty to grant planning permissions etc' has placed a legal duty on the relevant authority to grant enough planning permissions to meet the demand for Self-Build housing as identified through its register in each base period.

Following the Bacon Review in 2021 it appears likely that the Government will strengthen these provisions further by requiring planning authorities to give planning permission for the carrying out of Self-Build and custom housebuilding on enough serviced plots of land to meet the demand for Self-Build and custom housebuilding in the authority's area arising in each base period (i.e. that have been added to the register that year).

It is noted that Policy HOU6 'Self and Custom-Built Development' specifically requires all sites within and on the edge of the towns of Ashford and Tenterden delivering more than 40 dwellings to supply no less than 5% of serviced dwelling plots for sale to self or custom builders. There is also a requirement for sites of 20 units or more in the villages to provide 5% Self-Build plots.

Whilst the Plan's acknowledgement and support for self and custom build is welcomed, it is understood that this approach has yet to deliver any self/custom build plots in Ashford Borough. Experience elsewhere in the country suggests that this Policy HOU6 is unlikely to meet the needs for Self-Build identified on the Register. This is because the delivery of self/custom build is a fundamentally different business model to traditional housebuilding model. Self/custom build is about enabling, it comprises a very different relationship between the developer and the customer, requiring a different type of customer service and a different approach to the physical development of a site. As such it can be difficult for self/custom build plots to be delivered as part of a traditional residential scheme.

Our proposals for Orchard Farm comprise a fundamentally different approach to the delivery of Self Build. It is our intention to deliver a dedicated Self-Build development, focused exclusively on enabling self-builders to realise their dream of creating their own home. Our proposal for Orchard Farm will thereby help Ashford Borough Council meet the need for Self-Build identified on the register and the hidden need that existing behind that.

### **Plot Passport**

The Plot Passport is critical planning tool in relation to the Self-Build process. Each plot has its own individual Plot Passport and defines in detail the parameters and specific planning guidelines. The Orchard Farm Plot Passport address the following matters:

- Plot Area
- Building Footprint (Maximum)
- Building Height (Maximum)
- Gross External Area (Maximum)
- Net Internal Area (Maximum)
- Building Line
- Roof Orientation
- Parking Spaces

The Plot Passport provides detailed, specific design parameters in respect of each plot. The Plot Passport thereby provide details pursuant to Scale, Landscape and Appearance sufficient to secure approval of these Reserved Matters.

### **Further Conditional Approvals**

Given that detailed plans and elevations of the individual houses are not provided at this stage, these details will need to be submitted by the plot holders once they have designed their homes, in accordance with the approved Plot Passport.

These details will be subject to a further approval by the Local Planning Authority by way of a planning condition, which will specifically require submission of plans and elevations to demonstrate compliance with the Masterplan and Plot Passport, in all respects.

Schedule 2 of the Local Development Order, which granted planning permission for Graven Hill, Bicester includes a number of appropriate templates for such conditions (see Appendix 1).

### **Positive and Proactive Approach to Decision Making**

It is noted that NPPF Paragraph 38 states:

*“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and*



*environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.*

To effectively deliver Self and Custom Build housing plots it is essential that a sufficiently flexible planning permission is granted to allow plot holders to come forward with further detail in due course. In practical terms this means granting Full Planning Permission for a detailed ‘plot passport’ with final details of elevational treatment approved by way of planning condition.

## 4. Proposals

This application is seeking Reserved Matters approval for layout, scale, landscaping, internal access arrangements and appearance pursuant to Condition 1 of Outline Approval Reference 19/00834/AS.

In summary the proposed development comprises the following:

Plot No.	Tenure	Plot Area	Max Footprint	Max GIA	Max Bedrooms (NDSS)
1	OM	292	45	97	3b4p
2	SO	101	89	70	2b4p
3	SO	101	89	70	2b4p
4	SO	101	89	70	2b4p
5	SO	101	89	70	2b4p
6	SO	101	89	70	2b4p
7	AR	101	61	54	1b2p
8	AR	101	61	54	1b2p
9	OM	287	45	112	4b6p
10	OM	275	45	102	3b5p
11	OM	285	65	204	6b8p
12	OM	253	52	159	6b8p
13	OM	248	52	159	6b8p
14	OM	300	65	176	6b8p
15	OM	286	52	125	5b7p
16	OM	351	58	160	6b8p
17	OM	383	65	209	6b8p
18	OM	226	54	158	6b8p
19	OM	228	54	158	6b8p
20	OM	233	54	158	6b8p
21	OM	233	54	158	6b8p
22	OM	531	68	183	6b8p
23	OM	403	65	197	6b8p
24	OM	290	60	132	5b7p
25	OM	249	46	110	4b5p
	<b>TOTAL</b>	<b>6,060</b>	<b>1,566</b>	<b>3,217</b>	

Notes:

OM = Open Market

Shared Ownership

AR= Affordable Rent

Full details of the proposed development are set in in the Design Statement, Plot Passports and the submitted drawings which are all submitted for detailed approval.

## 5. Planning Assessment

This section seeks to assess the proposed development against the relevant policies of the adopted Local Plan and also against the conditional requirements of permission 19/00834.

### **Principle of Development**

The Site is allocated for housing under Site Policy S2 of the Local Plan 2030 and as such is therefore considered suitable for residential development.

The Site also benefits from an Outline Planning Permission granted on 26th August 2020 under reference 19/00834 for up to 25 dwellings. Thereby the principle of residential development on the Site is established.

### **Masterplan**

Policy S2 indicates that an allocation wide masterplan is required to help deliver proper placemaking. Similarly Condition 3 of permission 19/00834 requires the details submitted in pursuance of Condition 1 include a masterplan for the whole Orchard Farm site which *“includes details of how the development will provide connectivity from the A28 Canterbury Road to the wider S2 Local Plan site and shall include a suitable buffer to the existing development”*.

#### Allocation wide masterplan

It is noted that an allocation wide masterplan (drawing number 2940-033E) was approved as part of planning permission 19/00025/AS.

Whilst we were not involved in the preparation of the drawing number 2940-033E, we have nevertheless had regard to this drawing in the preparation of our masterplan. Notably, we have sought to provide connections where drawing number 2940-033E is showing connections.

However, we have been unable to accommodate all the connections shown. Drawing number 2940-033E is showing a vehicular connection across the eastern boundary of our site. We note that there is an existing drainage ditch along this boundary and significant level difference between our site and the Conningbrook Park site. A vehicular link in this location would comprise a substantive engineering operation to deal with the levels and the ditch. As such we are proposing to provide the link through the southern boundary of our site.

We have liaised with the developers of Conningbrook Park and they have advised that the land adjoining our site comprises Phase 3 and as such they have not yet commenced designing the layout for this part of the site. However there is scope to reconsider the position of the vehicular connection.

#### Orchard Farm wide Masterplan

We have prepared a site wide masterplan for Orchard Farm. This is included in the submitted Design Statement. The Phase 1 proposals have been developed within the framework of the site wide masterplan.

## **Design**

This application is in pursuant to the Reserved Matters required under Condition 1 Outline Planning Permission reference 19/00834. The matters reserved under condition 1 comprise: *layout, scale, landscaping internal access arrangements and appearance*. Condition 21 also requires a detailed landscaping scheme to be submitted for approval.

Policy SP6 requires all development proposals to “be of a high quality” and demonstrate “a positive response” to a range of the design criteria.

As explained in preceding sections of this statement, the vision for Orchard Farm is to create a sustainable Self-Build community, meaning the detailed design and appearance of the homes will be determined by their future residents. However, whilst the detailed design of the proposed homes is not known at this stage, the proposals are keenly focused on achieving high quality design and creating a distinctive sense of place. This has been achieved through high quality master planning and urban design as secured through the layout, plot passport and hard and soft landscaping proposals. The following seeks to demonstrate how the proposals for Orchard Farm entirely meet the requirement and aspirations of the Ashford Local Plan, with specific reference to the Policy SP6 design criteria.

### *Character, distinctiveness, and sense of place –*

The proposals for Orchard Farm have principally been driven by the ‘East Kent’ character, distinctiveness and sense of place. As explained in Section X the scheme has been directly inspired by the East Kent farmyard typology. This has directly informed the master planning and layout of the site which is formed around courtyards and lanes.

The character and distinctiveness of East Kent has also be strongly reflected in the detailed landscaping proposals, through the creation of orchard and meadow landscape character areas and the use of local, native plant species.

Finally, the ‘East Kent’ character, distinctiveness and sense of place has been injected into the DNA of each plot, through the setting of the development parameters for each individual plot, as defined through the plot passport. Most notably the plot passport has clearly defined a pallet of materials, which is rooted in the character of East Kent. Similarly, the form of the buildings, notably the rooflines, has been inspired by the buildings of the East Kent farm yard.

With regard to the ‘character’ criteria, it is noted that Policy ENV3a also sets out a requirement for development proposals to have “*regard to landscape characteristic, according to the significance of the site*”. In respect of these detailed landscape character criteria the following comments are made:

### *Landform, topography, and natural patterns of drainage –*

The scheme has worked with the existing topography and existing pattern of drainage, with surface water directed towards the existing ditch along the eastern boundary.

*Pattern and composition of trees and woodland -*

Inspired by the historic use of the site as an orchard the scheme has included areas of orchard planting. The scheme has also sought to retain and enhance, as far as possible, the existing trees and hedgerows on the site, often defining the site boundaries.

*Type and composition of wildlife habitats -*

The site has relatively limited ecological value, the scheme includes a large swathe of green infrastructure which runs around the perimeter of the site in the form of a meadow, providing habitat for reptiles within the site and connectivity to the wider landscape, as well as eventually connecting to the green infrastructure to be provided on the adjacent approved Conningbrook Park development.

*Pattern and composition of field boundaries -*

Through the creation of the proposed natural green meadow, the scheme has been able to retain and enhance the existing field boundaries around the eastern and southern edges of the site.

*Pattern and distribution of settlements, roads, and footpaths –*

As noted above, the historic pattern of the East Kent farm yard has inspired the masterplan and layout for the site.

*Presence and pattern of historic landscape features -*

As noted above, the scheme has been inspired by the historic use of the site as an orchard the includes areas of orchard planting.

*Setting scale, layout, design and detailing of vernacular buildings and other traditional man-made features –*

As noted above, the historic pattern of the East Kent farmyard has inspired the masterplan and layout for the site. The plot passport has clearly defined a material palette, which is rooted in the character of East Kent. Similarly, the form of the buildings, notably the rooflines, has been inspired by the buildings of the East Kent farmyard.

Summarising these design approaches demonstrate that the proposed scheme has had careful regard to the existing features that are important to and contribute to the definition of the local landscape character of the site. Most notably it historic use as an orchard, demonstrating how these are being retained and incorporated into the proposed development. The scheme is thereby entirely in accordance with Policy ENV3a and the supporting Landscape Character SPD.

*Ease of movement –*

The scheme has been designed to have a high degree of internal connectivity. In particular the layout has been carefully designed to ensure that there are no cul-de-sacs proposed, allowing residents to move around the scheme easily.

Furthermore, the scheme ensures that the vehicular movements are de-emphasised and pedestrian and cycle movement are prioritised, to further enhance movement around the site. This has been achieved through keeping the width of streets to an absolute minimum, however allowing two-way movement, and creating shared surfaces through the courtyards. Together this design approach will enhance pedestrian and cycle movement around the site.

#### *Legibility –*

The scheme also has a high degree of legibility, which has been created using the courtyard and lane typologies and the considered positioning of buildings.

The consistent use of urban typologies will allow people to navigate around the site with reference to the consistent treatment of hard and soft landscaping.

The positioning of buildings (which is defined on the layout and through the plot passport) will allow vistas and views to be created, which again will assist with legibility within the site. Alongside this the scheme will have a high degree of distinctiveness, through the individual but coherent design of buildings, which in and of itself create a high degree of legibility.

#### *Mixed use and diversity –*

Given the relatively limited scale of the scheme, it is for residential development only, albeit it will connect into the wider S2 allocation which includes a mix of uses. This notwithstanding the scheme will be incredibly diverse in character and appearance given that it is for Self-Build.

#### *Public safety and crime –*

The scheme has been carefully designed to ensure that all public spaces are well overlooked and thereby create low potential for crime and create a high sense of safety.

This is most apparent regarding the approach that has been taken to the meadow. The plots which adjoin the meadow will be required to have frontage on to the meadow, created by having a short gardens with a low boundary treatment. This will create a high degree of visual connection and social interaction between the plots and the open space, ensuring that the meadow feels safe and will be well used by all residents.

Whilst the scheme does include the use of parking courts as a key part of the parking strategy, these have been carefully designed to have high levels of visibility from the street. This has been achieved by having a low hedge and carefully position tree planting which while softening the space, also allow clear views in and out. The parking courts will also be lit. The parking courts have all be designed to ensure that there are no hidden corners.

#### *Quality of public spaces and their future management –*

Self-builders get to know their neighbours through their individual development processes and projects. This in turns creates strong community bonds and a strong sense of common ownership: residents not only feel ownership of their own individually built homes, but also jointly in respect of the wider neighbourhood.

The approach that the scheme has taken to the creation of public spaces seeks to stimulate

and encourage social interaction between the residents, creating spaces which allow for social interaction and develop the sense of community and common sense of ownership.

To this end the aspiration has been to create a scheme within which public spaces are an exemplar for a suburban, residential development. The scheme includes three types of public spaces:

- The courtyards: which will provide a mix of hard and soft landscaping, will be dominated by pedestrians, will allow for interaction and play. These will effectively be shared front gardens for the surrounding residents.
- The meadow: which will provide habitat and green infrastructure but also allow for informal recreation and play. As noted above these will be closely linked to the surrounding existing and new urban area through the plots which will front onto the space, helping draw the informal landscape into gardens and into the development itself.
- The lanes: these will be green lanes with a strong landscape and communal character, helping to draw the countryside into the scheme and creating the East Kent character that will define the scheme.

The sense of ownership that residents feel for their neighbourhood will be formalised through the approach to the management of the public open spaces. A management company will be created, which residents jointly own and control. It will be entirely transparent and accessible from the outset, with support given in the early stages to involve residents in the management company.

#### *Flexibility and liveability –*

Orchard Farm will be the most flexible and liveable residential scheme delivered in Ashford Borough (and indeed the UK). The scheme will be entirely Self-Build so it will offer future residents almost complete control and sufficient flexibility to **build their own home, how they want to live** (albeit with the parameters set by the plot passport). The people who will live on this new community will be attracted by the ability to create a home which entirely meets their own requirements and individual needs.

#### *Richness in detail –*

Orchard Farm will have a richness in detail which will surpass all other contemporary residential schemes in Ashford Borough (and indeed the UK). Again, that is because the scheme will be entirely Self-Build so it will give the future residents complete control over how their homes will look (albeit with the parameters set by the plot passport). This will inevitably lead to an explosion of creativity and distinctiveness in the architecture and the detailing that will be apparent in the scheme. Whilst we are keen to encourage and maximize this creativity, it is also recognized that the scheme must be rooted in the local character and for that reason we have sort to limit the material pallet to ensure cohesion in the urban fabric.

#### *Efficient use of natural resources –*

Since Orchard Farm is a Self-Build scheme, we cannot confirm how the efficient use of natural resources will be achieved: this will be a decision of the individual self-builders. The individual

self-builders will be required to achieve current building regulations. However in our experience self-builders are very often attracted to the opportunity to embed high levels of sustainability within their homes, and to this end we facilitate and encourage this.

Taken together these design moves clearly demonstrate that the scheme has had careful regard to achieving a high quality of design, demonstrating how the masterplan, layout and plot passport together creating a strong urban design framework within which the self-builder can deliver diversity whilst also creating a coherent and distinctively East Kent neighbourhood. The scheme is thereby entirely in accordance with Policy S6.

### **Housing Mix**

In accordance with Policy HOU18 the scheme comprises a mix of different plot sizes, with compact plots available with smaller budgets of for those who wish to build smaller homes and larger plots for those who wish to build larger homes.

### **Affordable Housing**

In accordance with the Section 106 Agreement attached to Permission 19/00834/AS the scheme will deliver 30% affordable housing, delivered as 20% Shared Ownership/Shared Equity and 10% Affordable Rent.

Details of the Affordable Housing provision across the phases is set out in the accommodation schedule.

### **Housing Standards**

Policy HOU12 requires compliance with national space standards. Policy HOU14 requires compliance with M4(2) accessibility standards.

Since Orchard Farm is a Self-Build scheme, compliance with these standards will be a decision of the individual self-builders.

The Plot Passport provides further detail regarding requirement to comply with minimum space standards so that the council can be certain that their standards will be met. This notwithstanding full details of proposed houses and room sizes for each plot can be secured through condition requiring submission of such details (see paragraphs above re: Self-Build Planning Approval Process).

### **External Amenity Space**

Policy HOU15 requires the provision of suitable private external amenity space for new build homes. For houses, as a starting point, the private garden area should be calculated as the width of the dwelling (m) x 10m. The submitted layout and plot passports demonstrate that this standard can be achieved on all plots.

The Plot Passport provides further detail regarding requirement to comply with minimum



external space standards so that the council can be certain that their standards will be met. This notwithstanding full details of layout each plot can be secured through condition requiring submission of such details (see paragraphs above re: Self-Build Planning Approval Process).

### **Sustainability**

Since Orchard Farm is a Self-Build scheme, the efficient use of natural resources and implementation of sustainability measures will be a decision of the individual self-builders. The individual self-builders will be required to achieve current building regulations as a minimum. It should also be noted that, in our experience, self-builders are very often attracted to the opportunity to embed high levels of sustainability within their homes, and to this end we facilitate and encourage this.

### **Vehicular Access**

Policy S2 states that primary access to the whole allocation shall be provided from Willesborough Road, with the location of a secondary/emergency access to be determined following further investigation into the feasibility of access onto the Canterbury Road, in liaison with the Local Highways Authority.

Vehicular access into Orchard Farm for up to 25 new dwellings using the road between numbers 397 and 399 Canterbury Road was approved in detail under Outline Permission reference 19/00834/AS. The approved scheme included some alterations to the highway on Canterbury Road to improve highway safety which will be implemented prior to occupation.

### **Sustainable Travel**

Policy S2 requires new pedestrian and cycle routes are to be provided throughout the development with connections to existing routes. Accordingly, the existing track which provides vehicular access to Orchard House and the existing farm buildings at the present time, shall be repurposed as a shared pedestrian and cycle route into the development, with only 381 Canterbury Road and Orchard House continuing to use this access for vehicular access purposes. This route exits at the bus stop on Canterbury Road and close to the junction with The Street which leads up into Kennington's shops and services area and is considered to be a highly sustainable route to encourage walking and cycling to local services and via the regular bus services into Ashford town centre.

Future phases will link into the new routes that are proposed as part of the adjacent Conningbrook Park development.

Taking advantage of the existing public transport corridor that runs along Canterbury Road by facilitating easy access to the existing nearby bus stops. The scheme will also facilitate residents' easy access the new bus services that will be provided through the adjacent Conningbrook Park development.

### **Parking**

Condition 13 of permission 19/00834 requires Reserved Matters details to "*show adequate*

*land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD".*

The layout demonstrates that compliance with the parking standards can be achieved across the entire site. The scheme provides a total of 68 parking spaces with:

53 provided as on plot allocated spaces

15 provided as unallocated spaces (on the street and in parking courts)

Unallocated spaces include required 5 visitor spaces

The scheme is entirely in accordance with the adopted parking standards set out in Policy TRA3a.

The Plot Passports stipulate the parking required on each plot (in addition to parking provided in the parking courts) and this document (specifically the Masterplan) provides further detail regarding parking so that the council can be certain that their parking standards will be met. This notwithstanding full details of parking on each plot can be secured through condition requiring submission of such details (see paragraphs below under Self-Build Planning Approval Process).

## **Refuse**

Condition 20 requires full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling as part of the Reserved Matters application.

In accordance with 'Design Guidance Note 1: Residential layouts & wheeled-bins' each plot is required to provide space for three wheelie bins and food waste caddy bin. The Plot Passport for each plot will stipulate these refuse storage requirements.

The Plot Passport provides further detail regarding refuse storage (e.g. the design approach) so that the council can be certain that their standards will be met. This notwithstanding full details of refuse storage on each plot can be secured through condition requiring submission of such details (see paragraphs above re: Self-Build Planning Approval Process).

## **Noise & Amenity**

Condition 4 of permission 19/00834 include details of acoustic fencing and/or other boundary treatments (including landscaping) to the western boundary to protect the amenity of neighbouring residents.

In pursuant of this condition, we have undertaken a noise assessment to assess the noise impact of vehicles using the site access upon the amenity of the residents of 397 and 399 Canterbury Road. This assessment demonstrates that the use of the access will not result in a detrimental impact upon the amenity of the properties.

This notwithstanding the application includes details of the boundary treatment along this boundary.

## Ecology

The Phase 1 scheme incorporates a comprehensive strategy for the ecological mitigation and biodiversity enhancement to be delivered through the proposed landscaping in the courtyard and the lanes, as well as specific requirements for the on-plot landscaping and ecology mitigation. The following ecology mitigation measure and biodiversity enhancements will be delivered within Phase 1:

- Tree species recommended for the site are to be sourced locally and are therefore in keeping with the local ecology.
- Native species-rich (5 or more species) hedging is planned for the public areas of the site to provide nesting potential for local birds and foraging for birds, invertebrates and bats.
- Verges within the development will be species-rich and managed to maintain biodiversity.
- Bat boxes will be placed on mature trees within the site boundary, at a height of at least three metres above ground level. Bat boxes will also be incorporated into new builds adjacent the wildlife area.
- Bird boxes suitable for swift and/or house sparrows be fitted to the new builds, and boxes suitable for starling or thrush fitted to mature trees within the site boundary.

In addition, as part of the Phase 1 scheme the 'wildlife area' along the site boundary will be delivered in the proposed meadow area. This will comprise:

- A species-rich grassland wildlife area is planned to increase biodiversity for the site, with a mosaic for bramble scrub to provide habitat for reptiles and amphibians.
- The margin of the main SUDs on site is to be planted with water plants to increase biodiversity and provide potential habitat for grass snake, amphibians and invertebrates.
- Logs from trees will be used to create log piles and hibernacula within the wildlife area to provide refugia and hibernacula for amphibians and reptiles and refugia for invertebrates.

This will be delivered after the attenuation basins have been formed.

Details in accordance with above have been submitted in support of Condition 22 and 23.

## Flood Risk & Drainage

As required by Policy S2 and EV6 a Flood Risk Assessment was prepared, submitted, and approved as part of the Outline Permission. This demonstrates that the site is within Flood Zone 1 and is not at risk of flooding from any source.

Condition 15 requires a detailed sustainable surface water drainage scheme for the site to be submitted as part of the Reserved Matters details.

An updated drainage strategy has been prepared which demonstrates that the scheme will effectively manage surface water from the development, ensuring that it is discharged into an existing ditch at the greenfield run-off rates, thereby ensuring that the risk of flooding to

adjacent properties and land is not increased. Details of the drainage scheme have been submitted to discharge Conditions 15.

### **Nutrient Neutrality**

Stodmarsh is located approximately 21km to the northwest of the Phase 1 of the Proposed Development downstream within the Stour Catchment. There is evidence of poor water quality (high levels of Total Phosphorus and Total Nitrogen) within Stodmarsh which is adversely affecting the qualifying features of the designations. To avoid adding to the existing problem, Phase 1 of the Proposed Development has been designed to prevent further Total Phosphorus and/or Total Nitrogen being released into the Great Stour or Stodmarsh as a result of construction and/or operation of Phase 1 of the Proposed Development through the production and implementation of the following measures, which will be secured through planning conditions:

- Construction Environmental Management Plan which includes best practice methods for protecting the environment during construction;
- Landscape Plan and Ecology and Landscape Management Plan to provide a framework for mitigation and management of open space/soft landscaping that will be enacted for the lifespan of Phase 1 of the Proposed Development;
- Surface Water Management Strategy to intercept and treat surface water run-off from carriageways, car parks, buildings and hard paved public areas through a variety of devices near the source of the run-off prior to infiltration or discharge from the Phase 1 Site; and
- Foul Water Drainage Strategy to limit the average water consumption per person to 110l/day and treat the foul water generated by the new dwellings and five existing dwellings through a bespoke on-site PTP.

The implementation of these measures during construction and operation of Phase 1 of the Proposed Development on its own or cumulatively will result in:

- No reduction of areas of key habitats;
- No significant disturbance to key species using the habitats within Stodmarsh SPA, SAC and Ramsar;
- No habitat or species fragmentation;
- No reduction in species density;
- No adverse changes in key indicators of conservation value (water quality etc.);
- No climate change impacts; and
- No changes in water levels within Stodmarsh SPA, SAC and Ramsar.

In conclusion, the measures discussed above to reduce and offset Total Phosphorus and Total Nitrogen reaching Stodmarsh via the Great Stour River will be fully implemented prior to the occupation of dwellings and can remain for the lifespan of Phase 1 of the Proposed Development. Phase 1 of the Proposed Development will result in no additional Total Phosphorus or Total Nitrogen being discharged via foul or surface water. Therefore, there will be no adverse effect on the site integrity of Stodmarsh.

There will also be no adverse in-combination effects associated with other residential or

overnight accommodation developments within the Stodmarsh Catchment, including Phases 2 and 3 of the Proposed Development, as each of the cumulative developments that could affect the site integrity of Stodmarsh will be nutrient neutral in accordance with the Natural England Advice Note and therefore have no adverse effects on their own due to their locations and the mitigation and/or design measures being provided by each of the cumulative developments.

### **Community Needs**

Policy COM1 'Meeting Community Needs' requires Infrastructure and facilities required to meet the needs generated by new development, including sports, arts, community (including youth) and voluntary sector space, education and health provision, open space and play areas shall be provided as the community is established.

This scheme has already complied with this policy through the financial contributions that have been secured through the Section 106 Agreement attached to permission 19/00834.

## 6. Summary & Conclusions

In conclusion the proposed development complies with the relevant policies of the adopted Local Plan and also against the conditional requirements of permission 19/00834. The scheme should be approved without delay.

## Appendix 1 - Local Development Order: Graven Hill, Bicester

*Cherwell*

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Graven Hill Phase 1

Local Development Order (Third  
Revision) 2020





Cherwell District Council, in exercise of the powers conferred on the Council as local planning authority by sections 61A-61D and Schedule 4A of The Town and Country Planning Act 1990 (as amended), and pursuant to Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015 (the Procedure Order), makes the following revision of the Graven Hill Phase 1 Local Development Order (Second Revision) 2017:

### **Citation, commencement and application**

1. (1) This Order may be cited as the Graven Hill Phase 1 Local Development Order (Third Revision) 2020 and comes into force on 20<sup>th</sup> November 2020;

(2) From the date this Order comes into force, the Graven Hill Phase 1 Local Development Order (Third Revision) 2020 shall be treated as revised in accordance with the provisions of this Order.

(3) This Order applies to the land at Graven Hill Bicester shaded Yellow and annotated as "Residential land covered by LDO" on the plan included as Schedule 1 to the Order.

(4) Subject to the Council's power to revoke this Order under section 61A(6) of the Act, this Order will remain in force until 15 December 2023.

(5) If the Order is revoked or revised such that it ceases to grant planning permission in respect of a development that has commenced and has received confirmation of compliance under this Order, that development may be completed.

(6) Nothing in this Order removes, cancels, or otherwise makes void the national permissions granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (the General Order).

### **Interpretation**

2. (1) In this Order –

"access" has the same meaning as in the Procedure Order

"the Act" means The Town and Country Planning Act 1990 (as amended)

"appearance" has the same meaning as in the Procedure Order

"construction" means the carrying out of building or engineering operations in, on, over or under land and "construct" and "constructed" shall be construed accordingly

"completion" means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse, and "complete" and "completed" shall be construed accordingly

**“the Council” means Cherwell District Council**

**“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Masterplan and Design Code approved under the outline planning permission**

**“confirmation of compliance guidance note” means a document prepared; and if required, updated by the Local Planning Authority providing advice on the procedure for confirmation of compliance and information needed to support a confirmation of compliance application.**

**“custom build” and “self build” means the erection or construction by (a) individuals, (b) associations of individuals, or (c) persons or companies working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals, and “custom built” and “custom builder” and “self built” and “self builder” shall be construed accordingly**

**“developer” means a custom builder or self builder**

**“development” has the same meaning as in section 55 of the Act**

**“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building**

**“erection” means the carrying out of operations to erect a structure or building on or over land**

**“General Order” means The Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent amendment to that Order**

**“highway” has the same meaning as in the Highways Act 1980 (as amended)**

**“landscaping” has the same meaning as in the Procedure Order**

**“layout” has the same meaning as in the Procedure Order**

**“Masterplan and Design Code” means the master plan and design code originally approved under condition 26 of the outline planning permission, and any subsequent amendment of the masterplan and design code approved pursuant to an application under section 73 of the Act relating to that outline planning permission**

**“outline planning permission” means the planning permission dated 08 August 2014 granted by the Council pursuant to the application for outline planning permission dated 29 September 2011 and allocated reference number 11/01494/OUT, and any subsequent planning permission granted pursuant to**

an application under section 73 of the Act relating to that outline planning permission

“the Procedure Order” means The Town and Country Planning (Development Management Procedure) (England) Order 2015 and any subsequent amendment to that Order

“principal elevation” means the elevation containing the main architectural features such as main bay windows or a porch serving the main entrance. It is not required to contain the ‘front entrance’ but it should be the most architecturally dominant elevation and appear as the most important/interesting elevation’.

“scale” has the same meaning as in the Procedure Order

(2) For the purposes of determining whether development complies with the Masterplan and Design Code -

“front boundary” means any boundary which is or would be forward of the principal elevation of a dwelling

“Gross Internal Area (GIA)” means the total enclosed internal floor area, above ground level, of a building measured within the external walls taking each floor into account and excluding the thickness of the external walls. The Gross Internal Area includes any integral garages and conservatories”

“maximum building height” means the height of the building when measured from the approved ground level (approved under the Masterplan and Design Code or other relevant condition of the outline permission) of the plot to the top of the highest part of the roof, excluding any external chimneys, flues, soil or vent pipes or other structures for renewable energy generation

“vehicle bay” means a vehicle bay for the parking of a single car, which measures a minimum of 2.5 metres by 5.5 metres.

### **Permitted development**

3. (1) Reserved matters approval pursuant to the outline planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) Nothing in this Order permits development contrary to or without compliance with any condition imposed by the outline planning permission.

(4) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(5) The permission granted by Schedule 2 does not authorise any development which creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Where a person uses electronic communications for making any application required to be made under any Class of Schedule 2, that person is taken to have agreed—

(a) to the use of electronic communications for all purposes relating to that person's application which are capable of being affected using such communications;

(b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and

(c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

**Adopted by Cherwell District Council on 20<sup>th</sup> November 2020**

THE COMMON SEAL of  
CHERWELL DISTRICT  
COUNCIL was affixed  
hereunto in the presence of:



Authorised Signatory



*cde/20340*

**Schedule 1 – Land to which this Order applies**



Authorised Signatory



## **Schedule 2 – Permitted Development**

*Class A – the erection or construction of a dwellinghouse*

### **Development Permitted**

***A. The erection or construction of a dwellinghouse, including access and landscaping, pursuant to the outline planning permission***

### **Development Not Permitted**

A.1 Development is not permitted by Class A if –

- (a) In the case of a detached or semi-detached dwellinghouse, the dwellinghouse is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be erected or constructed on land that is not identified for development as a dwellinghouse in the Masterplan and Design Code approved under the outline planning permission; or
- (c) the dwellinghouse does not comply with the Masterplan and Design Code approved under the outline planning permission;
- (d) the dwellinghouse would include the construction or provision of a balcony or raised platform above ground floor level which would extend beyond a wall forming any side elevation or any rear elevation of the dwellinghouse

### **Conditions**

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) In the case of a dwellinghouse forming part of a terrace and that is not a custom build or self build dwellinghouse:
  - i) evidence that the whole of the terrace has been subject to a robust and realistic marketing exercise for custom build and self build development for a minimum period of 6 months shall be submitted to and approved by the Local Planning Authority as part of its determination under paragraph A.2(a); and
  - ii) at least one dwellinghouse within the terrace must be a custom build or self build dwellinghouse.
- (c) The principal elevation of the dwellinghouse must front a highway
- (d) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwellinghouse



that has received either confirmation of compliance or planning permission must be —

- (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (e) Any part of the dwellinghouse that would —
- (i) have more than a single storey; and
  - (ii) would be within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission

must not extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres, or such other limit as is approved as part of the Design Code and Masterplan.

- (f) the height of any external chimney, flue, soil or vent pipe, or other structure for renewable energy generation, must not exceed the highest part of the roof of the dwellinghouse by 1 metre or more.
- (g) In so far as practicable, any hard surface to be provided on land between a wall forming the principal elevation of the dwellinghouse and the highway must either be made of porous materials, or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse
- (h) Development under Class A must be completed within a period of 3 years starting with the confirmation of compliance date

*Class B – the enlargement, extension or alteration of a dwellinghouse*

### **Development Permitted**

#### ***B. The enlargement, extension or alteration of a dwellinghouse erected or constructed under Class A of this Order***

### **Development Not Permitted**

B.1 Development is not permitted by Class B if —

- (a) the enlargement, extension or alteration does not comply with the Masterplan and Design Code approved under the outline planning permission; or
- (b) the enlargement, extension or alteration would consist of or include the construction or provision of a balcony or raised platform, above ground floor level, which would extend beyond a wall forming a side elevation or rear elevation of a dwellinghouse

## Conditions

B.2 Development is permitted by Class B subject to the following conditions –

- (a) Prior to development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order apply in relation to that application
- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse and facing a boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission must be –
  - (i) obscure-glazed unless the window is more than 1.7 metres above the floor of the room in which the window is installed; and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed
- (c) Any part of the enlargement, extension or alteration that would –
  - (i) have more than a single storey; and
  - (ii) would be within 2 metres of the boundary with a neighbouring dwellinghouse that has received either confirmation of compliance or planning permission

must not extend beyond the rear wall of the neighbouring dwellinghouse by more than 3 metres, or such other limit as is approved as part of the Design Code and Masterplan.

- (d) the height of any external chimney, flue, soil or vent pipe, or other structure for renewable energy generation, must not exceed the highest part of the roof of the dwellinghouse by 1 metre or more.

*Class C – buildings etc incidental to the enjoyment of a dwellinghouse*

## Development Permitted

**C. The provision within the curtilage of a dwellinghouse that is being erected or constructed under Class A of this Order of –**

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or***
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas***

## **Development Not Permitted**

C.1 Development is not permitted by Class C if –

- (a) the dwellinghouse has been completed;
- (b) any of the following criteria would apply:
  - (i) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the dwellinghouse that is being erected or constructed) would exceed 50% of the total area of the curtilage (excluding the ground area of the dwellinghouse that is being erected or constructed);
  - (ii) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming, or proposed to form, the principal elevation of the dwellinghouse that is being erected or constructed;
  - (iii) the building would have more than a single storey;
  - (iv) the height of the building, enclosure or container would exceed –
    - (i) 4 metres in the case of a building with a dual-pitched roof
    - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
    - (iii) 3 metres in any other case;
  - (v) the height of the eaves of the building would exceed 2.5 metres;
  - (vi) it would include the construction or provision of a veranda, balcony or raised platform;
  - (vii) it relates to a dwellinghouse or a microwave antenna; or
  - (viii) the capacity of the container would exceed 3, 500 litres

## **Interpretation of Class C**

C.3 For the purposes of Class C, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for domestic needs or personal enjoyment of the occupants of the dwellinghouse

## **Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2**

- (1) The following provisions apply where under this Order a developer is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission.
- (2) The application must be accompanied by—
  - (a) a written description of the proposed development;
  - (b) a plan indicating the location of the site in relation to neighbouring plots;
  - (c) a plan or plans and documents showing the details of access, appearance, landscaping, layout, scale and Sustainable Construction Methods of the proposed development (advice on the details to be included on the proposed plans and documents can be found on the Confirmation of Compliance Guidance Note);
  - (d) the developer's contact address, contact telephone number; and
  - (e) the developer's email address if the developer is content to receive communications electronically
- (3) The Local Planning Authority shall, as far as is practicable, determine an application submitted under sub-paragraph (2) within 28 days following the date on which the application was received by the Local Planning Authority.
- (4) The local planning authority may refuse an application where, in the opinion of the Authority—
  - (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
  - (c) any conditions, limitations or restrictions specified in this Order as being applicable to the development in question.
- (5) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (6) The development must not begin before the receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission.
- (7) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree a non-material amendment in writing. Advice on non-material amendments can be found within the Confirmation of Compliance Guidance Note.

This page intentionally blank