

Planning Committee

Wednesday the 18th May 2016 at 7.00pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – to approve the Minutes of the Meeting of this Committee held on the 20th April 2016
4. Requests for Deferral/Withdrawal

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

- 5* Site Visit - 15/01677/AS - Hillside Lime Works, Pilgrims Way, Brabourne, Kent - Demolition of existing agricultural buildings and erection of new single storey building to comprise new dwelling with associated garden and parking

Additional information in relation to the current policy position

Members should be aware that following the recent appeal decision at Tilden Gill Road, Tenterden, where the Planning Inspector concluded that the Council could not demonstrate a 5 year supply of deliverable housing sites and therefore the policies relating to the supply of housing should not be considered up to date (NPPF para 49). The policies referred to and affected by this in this instance are TRS1 & TRS2 of the Tenterden & Rural Sites DPD 2010 and these cannot be given full weight.

Paragraph 14 of the NPPF states in part that for decision making, the presumption in favour of sustainable development means:

“Where ... relevant policies are out of date, granting permission unless:

- 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; or
- Specific policies in this framework indicate that development should be restricted” (e.g. para. 115 on AONBs, which is referred to in para. 20 of my report).

In relation to this, my report highlights my assessment that the proposed dwelling and its associated curtilage would be incongruous, intrusive and harmful to the appearance of the AONB. This view was shared by the previous appeal inspector,

The policies referred to above in the NPPF of relevance to this application and which the Committee need to attach full weight to also include:

Para 55

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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

In my view, none of the exceptions in para. 55 apply, and the development would be an isolated new home in the countryside which does not enhance or maintain the vitality of rural communities. As such, it is not supported by the NPPF, and its adverse impacts (including those in the AONB) significantly and clearly outweigh its benefits, when assessed against the policies in the Framework as a whole.

Therefore my Recommendation remains unchanged in this case notwithstanding the Appeal decision in Tenterden.

5. Schedule of Applications

- (a) **14/00906/AS - Land on the north side of Highfield Lane, Sevington – Development to provide an employment led mixed use scheme, to include site clearance, the alteration of highways, engineering works and construction of new buildings and structures of up to 157,616 sq m comprising up to 140,000 sq m Class B8 (storage and distribution) use; up to 23,500 sq m of B1a/B1c Business (of which a maximum of 20,000 sq m of B1a; up to 15,000 sq m of B2 (general industry); up to 250 sq m of A1 (retail shops) and 5,500 sq m of sui generis to accommodate Kent Wool Growers together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping**

Amended master plan

Paragraphs 188 and 194 (pages 1.121 and 1.122) identify the need for the master plan to be clearer in respect of safeguarding the route through the site as adopted highway and safeguarding a potential future bridge over the railway lines.

The amended master plan material to which reference is made in Recommendation (A) of the report is on display in the Council Chamber. I am satisfied that the material makes the position clear. The extract below shows the adopted highway and the land reserved for a future link road. All of the supporting plans provided the same level of clarity.



Further representations

(A) Representation from Mr Bax, Director of Kent Wool Growers Limited

'I write in my capacity as a Director of Kent Wool Growers Limited and involved in endeavouring to organise the KWG move from Tannery Lane to Sevington. This has been a long drawn-out process which we hope may now be moving towards a conclusion.

We are conscious that there seems to be comment in some quarters that Kent Wool Growers do not intend to complete this move.

I am therefore writing to you to emphasise that such a scenario is most definitely not the case. It is essential that KWG should be able to move at the earliest possible date. This move has been anticipated for some time and inevitably our current premises cannot be maintained to the same standard as if we were remaining at Tannery Lane long-term. We are very much hoping that matters can now move forward without undue further delay so that KWG are able to relocate to Sevington as soon as possible. There will be benefits in terms of trading, job opportunities, and the long awaited opportunity to grow this well-established local business from the period of stand-still that we have been in for some years now.

I would be grateful if you would make this absolutely clear to committee, should it be necessary to do so.

Yours sincerely

Michael Bax'

(B) Representation received from David Nutley

**'To the Chairman and Councillors of Ashford Borough Council
Application 14/00906/As Land on the north side of Highfield Lane, Sevington**

As I have not been given the opportunity to address the meeting today, Rosie Reid has kindly agreed to forward my comments to all the Members of the Planning Committee.

I would refer you to pages 146/147 of the Planning Officer's report and the proposals for St Mary's Church items 9 and 10. Regulation 122 imposes the following legal requirements before a section 106 obligation can "constitute a reason for granting planning permission".

The obligation must be:

- (1) necessary to make the development acceptable in planning terms – the necessity test;
- (2) directly related to the development; and
- (3) fairly and reasonably related in scale and kind to the development.

In respect of (1), the Planning Officer refers to an "emerging community". By default, this emerging community mentioned in the report will be very narrow in definition, excluding other religious communities such as Roman Catholics, Jews, Hindus and Muslim to name but a few.

With regard to (2) supporting the Church does not appear to be directly related to a warehouse development.

In respect of (3) improvements to the fabric of the Church and the provision of a car park do not appear to be related in scale or kind to a warehouse development.

In conclusion what is being proposed does not meet the legal requirements of regulation 122 and as such will be open to legal challenge.

Thank you for reading my concerns

David Nutley'

HDSS&D comment: I do not agree with the resident's conclusion.

In respect of point (1), there is no suggestion in Table 1 Item 9 that the proposed upgrading works would only be available to, or only benefit certain members of, the community. The works referenced on page 1.84 of the report include matters such as adjusting the internal layout to make it a more usable space, provision of a kitchen, improved lighting and disabled toilet facilities etc. Why the objector believes that the works would exclude any persons from entering and using an upgraded building is unclear.

In respect of point (2), if permission is granted then close to the church people would work in new buildings. The upgrade works would be of benefit to those people.

In respect of point (3), I disagree. Some users of the upgraded building would be likely to arrive by car but there is no off-street car park at present. The proposal would create a small all-weather surfaced connected facility.

The Local Planning Authority will seek to secure community use of the upgraded building to include specifically workers in the development who will have recreational needs. I propose that planning obligation 9 on Table 1 page 1.146 is expanded as follows to make the point clear.

(A) The funding by the applicant to the Diocese, via the Council, to cover the costs of the Diocese carrying out the agreed internal upgrade works necessary to St. Mary's Church to enable it to meet the needs of the emerging community (including in particular workers in the development) arising through the development of Site U19

(B) The subsequent provision – in a timescale to be agreed - of a report from the Diocese to the Council itemising the works to be carried, when the works will be carried out and, following prior consultation with the existing local community and Mersham with Sevington Parish Council, the way in which the upgraded building will be retained available to help meet the needs of that local community alongside meeting the needs of the emerging community (including in particular workers in the development) arising through the development of Site U19..

Column 4 para 1 first sentence –insert 'and better equipped to meet the needs of the existing and emerging community' after 'it'.

(C) Church Commissioners for England (CCE) and Crest Nicholson (CN) – having reviewed the Committee Report, the following issues are raised;-

1. The importance of the amended master plan forming Recommendation (A) having been received at the time of any decision being reached by the Committee and adequately consulted upon with a decision needing to be delayed if it has not been received and made available to Members.

HDSS&D comment: The amended master plan has been received. It is on public display in the Chamber. It is included with this Update Report. The amended plan

simply makes the safeguarding of the land to the east of Plot 3 for a future link road clearer and highlights that the proposed single 2-way carriageway would be designed to adoptable standards through the site as Policy U19 of the DPD requires. This carriageway through the site has been shown on the master plan for a number of months during which public consultation was carried out: further consultation is not considered necessary.

2. The north-south route is unnecessarily circuitous, not as the Policy anticipated winds its way through an industrial estate and, as a consequence, would not be an appropriate design treatment for an important gateway to the southern growth area. The Council is urged to seek a more-direct route to reflect the route's potential connection to the growth area.

HDSS&D comment: Policy U19 of the DPD simply requires that the precise alignment shall be included as part of the masterplan for the layout of the site. There is no requirement that the route be 'direct' or that the masterplan for Site U19 should create a gateway to another location.

Additional condition

Prior to the principal/main access into the site from the J10A link road and J10A being opened to traffic and prior to the traffic management measures within the site being carried out in accordance with the provisions of Condition 15, no work shall be carried out from any new premises on the site already constructed and in use before 07:30 or after 22:00 on any day.

Reason: To ensure that vehicle movements arising from those uses in advance of the principal/main access becoming available have an acceptable impact on the amenities of nearby residential occupiers to the A2070/Church Road junction.

Insertions to conditions

Condition 6(A) (Design Code)

(A) Prior to the approval of any floorspace proposed pursuant to this permission, a Design Code shall have been submitted to and (following critical review by independent consultants to be commissioned to assist the Local Planning Authority and the making of any necessary amendments) be approved in writing by the Local Planning Authority containing the following minimum elements to inform detailed building, plot and site design;-...

Rewording of condition 15

Within 6 months of the principal/main access into the site being opened to traffic

~~any signals installed at the Church Road/A2070 junction shall have been removed and that~~

the access into the development site from Church Road shall have been downgraded by means of traffic management measures

(including weight, height and width restrictions but not limited thereto)

to be carried out within the site (in accordance with a scheme previously agreed with the Local Planning Authority in writing following consultation with the highway authorities) with such measures within the site to thereafter be retained in order that priority is given to use of the principal/main site access by all traffic generated by the development.

Reason: The quantum of traffic generated by the development site should be served primarily by the principal/main access from the new road to J10A with the Church Road/A2070 junction having only a limited role in meeting the needs of the development.

Consequential amendments to Recommendation beginning on Page 1.153 arising from the receipt of the amended master plan

Members to delegate to the HDSS&D or JDCM the authority to approve the amended masterplan under Rec.(A), to determine whether the development remains in accordance with it under Rec.(B), to approve the updated plans under Rec.(D), and to consider any responses to the advertisement under Rec.(F) and to grant Outline Planning Permission unless any new material matters are raised that are not already substantially before the Committee when taking its decision (but if such are raised, the application to be reported back to a future Planning Committee)

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- (b) **15/00260/AS - Land to the rear of Waltham Close, Willesborough, Ashford, Kent - Erection of 16 no. dwellings, 4 no. affordable dwellings and 3 no. affordable apartments, car barns, vehicle access, parking and open space**

Updates to committee report:

Para. 30 – Amended to include SPG6 as a material consideration

Para. 41 – the number of DUs is now 0.23 (from 0.26) because of the reduced number of dwellings

Recommendation (B) – add the words “Subject to” at the start

3 additional neighbour comments received and summarised below (not raising any new issues):

- Impact on traffic. Too many extra cars.

- No road or infrastructure improvements are proposed

[HDSS&D Manager Comment: SPG6 contributions are being sought]

- Roads are too narrow. It is tight trying to fit a car through Silverhill Road when the bus is at the bus stop. Construction traffic would struggle.
- Heavy duty vehicles would not only potentially damage the roads but also vehicles parked on the road and driveways.
- The current estate consists of 4 & 5 bedroom dwellings which was a reason people moved to the area the proposed plans for affordable housing and apartments will depreciate the value of the existing homes.
- A separate access road directly to Kennington Road should be provided and the new development kept separate to the existing estate.
- There will be many repercussions to the mental health and welfare of current residents.

Email from Finalgood Property Management LTD (FPM) to ABC 16/05/16 – comments summarised below:

- Disappointed that FPM's request for money towards the existing play park (on Abbey Way) has been dismissed in the report yet contributions are sought for another off site play area. This is unfairly Council biased. New resident's children will use the play park.
- Request that a contribution is sought towards the upkeep of their play park and open spaces.
- The report suggests that access could be restricted. This is dismissive and would cause community tension. This is public space and restricted access could be challenged. The report should be reviewed and corrected as a result.
- The recommend planning obligations included in the report should be reconsidered to either
 - Contributions should go towards FPM 's play park not the Council's.
 - Recommend that an equal level of contribution is made to both organizations towards the upkeep of both Play Parks
 - Recommend that the current recommendation is split equally to provide contributions to both Play Parks.

Email from Finalgood Property Ltd to Ward Members (Koowaree and Adby) received 16 May 2016.

"I am writing to you to request assistance with the above mentioned planning application for a development of 23 properties as an extension of the Silver Birches development at Abbey Way Willesborough.

I am writing on my own behalf and as a Director of Finalgood Property Management Ltd, the company formed to manage the play park and open spaces on the Silver Birches Development and made up of the 62 owners of properties in phase 2 of that development.

We are providing and privately funding a play park and open spaces for the benefit of the local community of Willesborough (and beyond as people regularly drive onto our estate to make use of our facilities).

The proposed development will directly impact us as there will be increased local footfall making use of our facilities so we can expect wear and tear to be greater thus requiring us to fund more maintenance.

With the approval of other recent planning applications in the area also we can expect to see more visitors from these locations too.

We provided objections to the above planning application on the grounds that no provision had been made to cater for play by the applicants / developers as required by various planning policies and expected that they felt our play park would meet these planning requirements without any funding on their part.

The report to the planning committee (which sits this Wednesday) has now been published and includes a recommended planning obligation that the council should receive a contribution to fund the Hythe Road Recreation Ground. This report also totally dismissed our objection (and in fact misrepresented our request) and suggested that we could restrict access to our play park, which is ridiculous as it would cause community tension. Something we certainly wish to avoid. This is also questionable as the original plans for our estate proposed a PUBLIC open space!

The fact that there is a recommendation for a contribution is clearly welcome BUT it is to the wrong organization as to suggest children will walk past OUR play park to go to the Hythe Road park is ridiculous. Younger children will be given freedom by their parents to go and play in our park, knowing it is close and safe - they certainly won't allow them to do this by going to the park on the other side of the busy Hythe Road.

I request your assistance in making representations to the Planning Committee to request that the recommended planning obligation be amended so that this contribution be made to fund our play park maintenance rather than the Hythe Road Park as we are providing a valuable community service at NO cost to the greater community or Council currently and will be directly impacted as a result of this development."

[HDSS&D Manager Comments:

- The application has been assessed in line with the Council's planning policies and adopted guidance and it was considered that there was no requirement for on-site play provision in this case. As the report identifies the development does generate a requirement per dwelling for off-site strategic contributions to the wider area which is what is being sought in this case. The benefits brought by this will be able to be enjoyed by all of the local community.
- Future residents of the new development will be contributing to their own Management Company who will maintain the un-adopted open space within the

application site that other residents who live in the wider area will also be able to enjoy.

- The existing park is privately owned and managed. The council have no control over the land or its access.

(c) **16/00231/AS - Scout Hut, Pett Lane, Charing, Ashford, Kent, TN27 0DL - Erection of a new single storey wooden building for use as a scout hut**

Additional representations

Neighbours: 35 additional letters with general & supportive comments as follows:

- Though supportive of the application, the conditions placed upon it are restrictive and would not be suitable for the use as a scout hut.
- Agreement in principle to the erection of a replacement hut. Reference made to the benefits of its location on the northern boundary of the site including drainage/water supply, leaves maximum part of the site for scouting activities, and both houses on boundary to north have a high hedge. Option to replace in situ is possible but planning and timing would be of paramount importance. Backing on to the bowling green would be least preferable siting due to lack of protection from the north wind and casting a shadow across the site at sunset.
- The planning officer has made no reference to 3 precedents from the past, notably the purchasing of the field to the rear of Pett Lane houses to build old people's flats and a car park. The second precedent being that the remainder of the field was sold and the bowling green and pavilion were built backing onto the dwellings in Pett Lane in a similar position as the scout hut. Then third precedent, ABC built several bungalows between Pym House and the Pett Lane houses. No objections were raised then by the residents of Pett Lane. Siting the scout hut in a similar position to the Bowls pavilion makes the best use of the plot.

Revised Conditions

Following further consultation with the applicant with regard to the hours of use for the site and the potentially restrictive nature of the conditions within the report, I recommend the following changes:

Amendment to Condition 5

5. The use of the building for purposes hereby permitted shall only be carried out between the hours of 9am – 11pm Monday to Sunday except for overnight sleepovers for 6-8 year olds organised by a scouting organisation.

Reason: In the interests of residential amenity

This will allow for the continuation of meetings later into the evening. In turn, it will not preclude the use of the building for overnight sleepovers. Activities that are happening in the current building.

Deletion of Condition 6

6. The playing of amplified recorded sound/music and amplified live sound/music shall not take place in any part of the building hereby permitted.

Reason: To safeguard the amenities of nearby residential properties.

This deletion will increase the flexibility of the use of the building.

- (d) **16/00306/AS - Land north of The Bungalow, Green Lane, Challock, Kent - Change of use of land to equestrian and proposed manège**

No updates

- (e) **16/00425/AS - 1 Caravan Site Chilmington Green, Chart Road, Great Chart, Ashford, Kent, TN23 3DT - Replacement of fire damaged utility block**

No updates