

Planning Committee

Wednesday the 14th September 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 17th August 2016
4. Requests for Deferral/Withdrawal

None

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. Schedule of Applications
 - (a) **16/00887/AS – Eureka Leisure Park, Rutherford Road, Ashford, TN25 4BN – Construction of an extension to the existing cinema, construction of two new restaurants and associated works**

Update 1:

Add to policy section of report:

Policy U0 of the Urban Sites DPD (2012) which requires the Council when considering development proposals in the urban area to take a positive approach that reflects a presumption in favour of Sustainable Development.

Update 2:

Add to Table 1, Item 1 (planning obligations) relating to the monitoring fee. Monitoring fee to be payable annually until the completion of the development.

Update 3:

Add CS10 (BREEAM) condition to ensure the development is built to meet BREEAM very good with excellent energy and material credits, maximum water credits and a 10% reduction in related CO2.

(Condition to read:

The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Maximum standard in respect of water credits,

'Excellent standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing on a given phase:-

A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements),

Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

Reason: In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of

the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.)

Update 4:

Add condition that prevents this permission being implemented in addition to the extant permission 10/01456/AS granted by the Local Planning Authority on 01 October 2013. Therefore should one of the permissions be implemented the other permission shall not be implemented. Members please note that the extant permission expires on the 01 October 2016.

(Condition to read as follows:

This permission shall not be exercised in addition to the extant permission 10/01456/AS granted by the Local Planning Authority on 01 October 2013 but shall be an alternative to that permission. Should one of the permissions be implemented the other permission shall not be implemented.

Reason: To ensure compliance with adopted planning policy and central government guidance)

Update 5:

Add note to applicant stating that the development is also the subject of an obligation under the section 106 of the Town and Country planning act 1990.

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- (b) **16/00795/AS - Land North West of Smallhythe House, Longfield, Tenterden - Erection of 36 retirement living apartments with associated communal facilities, access, parking and landscaping**

Consultations –

- Page 2.17 - The Ward Member section needs to be revised to also include Cllr Knowles as the northern part of the site is within Tenterden South Ward. Cllr Knowles is fully aware of the proposal and has made no formal comments.
- KCC Ecology has confirmed that following receipt of further information in respect of Great Crested Newts that they have no objection. They state that there is limited potential for GCN to be present within the site and there is now sufficient information to determine the application.

Assessment-

- Paragraph 69 (page 2.32) of the report needs updating. The relevant parking standards are KCC Vehicle Parking standards for sheltered housing, not ABC residential parking standards as cited. For this sheltered housing scheme KCC require 1 space per 2 units totalling 18 parking spaces in total. 25 are provided. Based on these figures there is an over provision of 7 spaces rather than an

under provision as stated in the report. Paragraph 99 in the conclusion section on page 2.42 needs updating in line with this.

Additional Conditions-

The following **2 additional conditions** need to be added to the list of recommended conditions to deal with the issues of policy CS10 and Sustainable Design & Construction:

35. The development shall be constructed so that carbon emissions are reduced by 10% through Low and Zero Carbon (“LCZ”) technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until the following details for that dwelling has been submitted to and approved in writing by the Local Planning Authority:

- a) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZO technologies installed
- b) Details of the LZO technologies to be used to achieve the 10% reduction in carbon emissions

The development shall be carried out in accordance with the approved details.

The approved LZO technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no apartment shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that apartment stating (i) the actual amount of carbon emissions from energy demand with the LZO technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions.

Reason: In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF

36. The development shall be constructed and each apartment fitted out so that the potential consumption of wholesome water by persons occupying the apartment will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF

- (c) **16/00629/AS - Units 1 to 3, Paddocks Farm, Bethersden Road, Hothfield, Ashford, Kent, TN26 1EN - Application to remove/vary conditions on planning approval 06/00665/AS - Removal of condition 5 (external storage); Variation of condition 6 to allow for the hours for the operation of machinery and processes to take place between 0700 and 1800hrs Monday-Friday and Saturday 0700 and 1200hrs; Variation of condition 9 to allow for external lighting installed on units 1-3 (in retrospect) to be retained**

Conditions:

The wording of **Condition 6** needs to be revised to reflect weekend working hours. The revised wording is as follows:

Within 3 months of the date of this decision, the external lights hereby approved shall be fitted with a timer control system to ensure that the lights are switched off between the hours of 6pm and 7am Monday to Friday; 12pm and 7am Saturdays and at all times on Sundays and Bank Holidays.

Reason: In the interests of visual amenity and the amenity of adjoining residents.

- (d) **16/00810/AS - Units 1 to 4, Paddocks Farm, Bethersden Road, Hothfield, Ashford, Kent, TN26 1EN - Erection of 3no. portacabins for on-site offices and 1no. portaloo. (Retrospective)**

None

- (e) **16/00835/AS - Little Court, Maytham Road, Rolvenden, Cranbrook, Kent, TN17 4ND - Subdivision of plot and construction of new 3 bedroom detached property with new access from Maytham Road**

Representations

Rolvenden Parish Council has made a further representation objecting to the proposal on the following grounds:

- The proposal would adversely change the open feel of this section of road at the entrance to the village.
- The development is two storey and too high, resulting in an intrusive form of development that would erode the open character of the area.
- The brick wall should be protected and its partial loss is unattractive to the village.
- Sightlines are small and accidents are commonplace along the road.

- The character assessment that forms part of the Rolvenden Neighbourhood Plan emphasises the distinct feel of the village and it is often the spatial layout of modern developments that have eroded the local design quality.
- The Neighbourhood Plan resists ribbon development and suburbanised forms of development.
- Sparkeswood Lodge is small and in filling the gap will diminish its significance.
- Have made reference to drainage and noise conditions during construction if development approved.

(JDCM comment: The Rolvenden Draft Neighbourhood Plan has not been submitted to the Council for examination and is not in the public domain. As such it is not a material consideration in the determination of this application and carries no weight.

Planning Policy Section – Page 5.7

3 additional policies need to be added to the list as they have been taken into consideration but omitted from the list in the report

Ashford Borough Local Plan 2000

- EN12 – Private areas of open space
- HG3 – Design in villages

Ashford Local Plan 2030 (Consultation Draft)

- HOU10 – Development of residential gardens

NPPF

In regards to the NPPF the relevant sections of this were not listed in the report at the end of paragraph 10 and are set out below:

Paragraph 14 - presumption in favour of sustainable development

Section 7 – requirement for good design.

Paragraph 115 - Conserving landscape and scenic beauty in the AONB.

Assessment

Paragraph 22 of the report, the separation distances referred to are incorrect. The chalet bungalow would be 20m from the property Barton Lodge and 14m from the property Little Court.

- (f) **16/01097/AS - Land between Belmont Place and the KCC Reading and Advisory Centre, Alfred Road, Willesborough Ashford - Construction of a block of three 2 bedroom flats with parking, cycle store, bin store and erection of 1.8m metal rail fencing**

Representations

1 further letter of objection received stating that residents are sick of building developments in Newtown and raising concerns over where construction workers will park to avoid causing inconvenience to local residents.

(JDCM comment: The issue of parking of construction traffic is covered by condition 4 which can be found on page 6.10).