

Planning Committee

Wednesday the 19th October 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 14th September 2016

4. Requests for Deferral/Withdrawal

16/01013/AS - Howletts Farm, Knockwood Lane, Molash - officers wish to withdraw this item from the agenda following representations from the ward member to enable a discussion to take place between officers, the applicant and the parish council – the item will be considered at a future committee.

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. Schedule of Applications

(a) **16/01157/AS - Former Pledges Mill and South Kent College Site and land south of junction of Beaver Road and, Victoria Road, Ashford, Kent - Full planning application for development of a brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4), three commercial units (Use Classes A1/A2/B1) and 216 residential units with associated parking, substations, landscaping and access works**

Representation

A further representation has been received from a local resident. The following additional are made:-

(i) The town has lost many historic buildings over the last 25 years, which is depressing

(ii) The town previously had the Lion Brewery in Dover Place and so it is good to see a new brewery being built on the former Pledges Mill & Beaver Road School

(iii) A section of wall from the Beaver Road school that was bombed in 1943 remains on the site and it is queried whether this can be retained

In respect of point (iii), retention of the wall would conflict with the site layout but, as per paragraph 160 (Page 1.73), I propose that appropriate acknowledgement of the site's past is explored further with the applicant in the design detail of the entrance space.

Delete Recommendation (a) – Page 1.98

Since the report was drafted the applicant has supplied additional ecological information to the Council and this has been reviewed by KCC ecology. As a result, I consider the proposals are acceptable subject to planning conditions being attached to any permission in respect of:-

- a detailed riverside landscaping scheme to benefit bat foraging activity
- a riverside lighting scheme recognising the presence of bats
- an ecological mitigation strategy (including reptiles and invertebrates)
- an ecological management plan

Brewery opening hours (condition 17)

The applicant's agent has confirmed the anticipated opening hours to the public.

- Monday–Thursday (09:00-23:00)
- Friday-Saturday (09:00-24:00)
- Sunday (09:00-23:00)

Paragraph 164 (page 1.74) of the report identifies that opening hours will also be assessed through licensing requirements. Therefore, a combination of the two can form the basis of condition 17.

Missing Table 1

Recommendation (c) on Page 1.96 makes reference to Table 1 setting out further details in respect of the proposed obligations to be secured via legal agreement. This was missed from the report as an error and for the sake of completeness is attached as Annex 1.

- (b) **16/01167/AS - Former Pledges Mill and South Kent College site, Victoria Road, Ashford, Kent - Full planning application for a superstore (Use Class A1) with associated parking, substation, landscaping and access works**

Delete Recommendation (a) – Page 2.51

Since the report was drafted the applicant has supplied additional ecological information to the Council and this has been reviewed by KCC ecology. As a result, I consider the proposals are acceptable subject to planning conditions being attached to any permission in respect of:-

- an ecological mitigation strategy (including reptiles and invertebrates)
- an ecological management plan

Missing Table 1

Recommendation (b) on Page 2.51 makes reference to Table 1 setting out further details in respect of the proposed obligations to be secured via legal agreement.

This was missed from the report as an error and for the sake of completeness is attached as Annex 2.

- (c) **16/01012/AS - Land west of the junction of Carters Wood and Ruckinge Road Hamstreet - Erection of three bungalows and associated access on land to the rear of 33-36 Carters Wood**

Under 'Consultations' add:

Ward Member: Cllr Bradford has made the following comments:-

I apologise to the committee for being away for this particular item. This application has proved emotive with a number of residents in the village of Hamstreet. You will know that a great many objections have been received regarding this development, a principal reason being the loss of available play space for the village's children.

As Ward Councillor and Portfolio Holder for Health & Wellbeing, I have to concern myself with the wider positives supported by this application. Healthcare provision in our region is about to change. The NHS tells us that these changes are being made because the money is running out. It is my belief that these changes do actually provide a better and more sustainable system of healthcare going forwards.

The principal change will see our Doctor's surgeries become the focus of all, except the most serious, of our healthcare needs. We will, in the future, see less of our GP's but more of the range of dedicated healthcare professionals specialising in the range of ailments and conditions which may affect our lives. We won't go to the William Harvey for outpatient's appointments with Consultants. Instead, the majority of our Consultant appointments will be conducted at GP surgeries around the Borough.

Elderly healthcare in particular, will be less focussed on hospital care and more on care administered in the home. Indeed, very few of our elderly inhabitants wish to be treated in hospitals. They know about muscle wastage and pressure sores. They don't wish to inconvenience the healthcare system or their relatives by being attended to in hospital and would much rather be accommodated within the familiar and safe surroundings of their own homes. Their care, in future, will be provided within the community via their local Doctor's surgeries.

This application seeks permission to build three, new, state of the art, future proofed, elderly person's accommodations, capable of supporting care, treatment and end of life healthcare in the home. Furthermore, this application seeks to deliver these accommodations opposite a Doctor's surgery which means that the applicant's future residents are most likely to be able to remain in their homes for the remainder of their days and receive healthcare support from professionals based only a few metres away.

The added benefit for the village of Hamstreet will be that residents chosen for occupation of these prospective accommodations will most likely be housing tenants from Hamstreet who will, by taking these bungalows, free up housing for families waiting on the housing waiting list.

I fully appreciate that children's play areas are important especially when this year, the Health & Wellbeing Board's objective is to tackle the increasing obesity epidemic. The area intended by the applicant for development is considered by those who object to this application to be integral to children's play. I would support this stance wholeheartedly if there were no other play opportunities for children and young people in the village.

However, there is a park less than fifty meters from the application site. Although children would have to cross a road to play outside the Victory Hall, I should point out that the planning area objected to, has no fencing or railings installed to keep children safe from straying onto the road. It is therefore my assumption that children with no understanding of road safety should not be allowed to play there unsupervised.

In addition to the park opposite, Hamstreet recreation fields are only 300 metres away and the wonderful Hamstreet Woods, a mere 150 metres from the application site. There is no shortage of play space for children in Hamstreet.

I had made my position clear to Orlestone Parish Council and those residents objecting to this application well in advance of this meeting. I would not therefore have been in a position to have proposed the officer's recommendation if I had been able to attend. I would however, ask members to consider carefully my comments regarding elderly care in the community and think upon this application as an insightful example of a clever model for the future.

Cultural Services: Have commented that with regard to the loss of open space resulting from this development normally we would object to a loss of public open space where there is an existing deficit. However in this case there is a substantial area of recreation space very close around the Victory Hall. We could also consider there to be some trade-off between quantity and quality. The additional dwellings will face on to the remaining open space and create a much better interface with it than we have at the moment with houses backing on.

Under '**Neighbours**' replace '69' with '71'; replace '68 raising objection' with '71 raising objection'

Delete: 'A petition has been received, signed by 80 residents' and replace with 'The same worded letter has been received individually signed by 197 residents'.

Add: A further 2 letters of objection have been received raising similar issues to those summarised in the original report.

An additional letter has been received from an existing objector specifically addressing the issues raised by the former councillor in his letter of support. This same objector, together with 2 other objectors, has written in raising concerns about inaccuracies in the Committee report. These additional objections are outlined below:

- The assumption that these properties would be allocated to elderly local residents thereby allowing homes to be freed up for young families is fanciful as Councils have no control over who would be allocated/buy those homes. The proximity of the new development to the surgery is a red herring as elderly/disabled residents who are unable to visit the surgery

have their needs met by community nurses, district nurses and are treated according to need, not location.

- The 'need' and desire for property to be built in the Carters Wood location is not borne out by the response to the proposal: 2 in support (one of whom put forward the proposal in the first place and does not live locally) and the remainder, 366, against from 'local' residents who live in streets that fan out from the Carters Wood area. All the objectors who signed the circular letter were spoken to individually on the doorstep and 99.9% were in opposition to the development. The demographic of this area couldn't be more diverse: including young families and elderly people. All were in agreement that the green space should be preserved for the good of the community.
- There is no mandate for this build. The objectors are named people whereas the people who approached the former councillor for his help are not named and have not written to Ashford Borough Council to pledge their support for this proposal. Further, the former councillor and chairman of Orlestone Parish Council walked around the village looking for green spaces to build on and that that the parish council was not informed of this. As such it is a private project and parish councils were not aware of the proposals before this application was submitted.
- The proposal does not amount to 'small development'. For the people who live nearby the scale is huge. The bit of land that would be left is a scrap, on a slope, out of the view of parents. It is claustrophobic and totally out of keeping with the village design statement. It discriminates against families who don't have the option to move away to larger homes with bigger gardens, and sends out a message that those with modest homes and incomes must be happy with their lot, and grateful for small mercies.
- The number of objections stated in the report is inaccurate: 190 letters of objection have been misidentified as a 'circular letter' within the planning portal comment section and subsequently as a 'petition' within the committee report and the number of people objecting given as just 80. The objector confirms that the letters were all separate and individually signed and should be treated as such. He also points out that a number of letters dated 31st July have been marked as 1st July and are therefore not counted as objections in the Planning Report. He further makes the point that 9 letters of objection received 'after' the letter of support from the former councillor have not been included in the report.

(Officer' comment: All consultation responses are reported up until the date of the committee and the objector has been advised of this).

- The various and diverse views of objectors are listed in the report as bullet points whereas the support letters are fully represented; in particular the one from the former councillor, which is afforded more space than all the objection letters put together. As a result the information has not been presented in a fair and proportional way and committee members are in danger of being misled. He raises concerns about impartiality with reference to it being a council application and the need for fairness to be both done and seen to be done.

- He asks that the committee report is amended to remove the erroneous facts and to accurately reflect the nature and number of representations received by the council and to ensure that these are brought to the attention of committee members.

This same objector has raised some additional points regarding housing need within the village as follows:

There has been no independent input on need (Reference is made to the Rural Homes Protocol). For residents on the 'no' side there is a feeling of being on an ABC conveyor belt, with no off-switch, heading towards a pre-determined outcome. He describes how speakers had been arranged to make their case at the committee meeting highlighting the various Council policies that the proposal fails to meet. However, they are no longer willing to make a 3 minutes case to people who evidently regard them a hindrance to be by passed and appear to have booked the mayor to cut the ribbon on the development 18 months ago.

The objector asserts that the proposal has not been scrutinised using the Rural Homes Protocol and requests that the hearing is postponed at tonight's planning committee to allow this to take place.

[HSSD comments: the objector has been advised that this is a protocol that the Kent Housing Group have had in place for many years. It is currently under revision. It is primarily aimed at exception sites for local needs purposes i.e. sites outside of village confines. It is not a Planning tool/Policy and therefore there is no requirement in any event for it to be utilised on a scheme of this kind. With regard to need Housing have advised the following:-

Postcode	Band	Band Reason	Applicant Hamstreet LC Points	Applicant Current Bedrooms	Applicant Bedrooms	Applicant Ashford Policy Group	Applicant Age Band	Applicant Household Type	In Hamstreet Now	Releasing Family Home with ABC in Hamstreet	Local Needs Only
TN23 5GD	D	Adequately housed	Yes	2	1	Homeseeker	65 and over	Single Person			Y
TN26 2HD	C	Sharing facilities	Yes	1	1	Homeseeker	Between 55 and 59	Single Person	Hamstreet		
TN26 2EL	C	Sharing facilities	Yes	1	1	Homeseeker	Between 25 and 29	Couple	Warehorne		
TN26 2EZ	D	Adequately housed	Yes	2	1	Homeseeker	65 and over	Couple	Hamstreet		Y
HP2 6NP	C	Social reasons	Yes	1	1	Homeseeker	65 and over	Single Person			
TN26 2JW	C	Sharing facilities	Yes	3	1	Homeseeker	Between 25 and 29	Single Person	Hamstreet		
CT12 4BD	C	Medium medical or welfare need	Yes	1	1	Homeseeker	Between 50 and 54	Single Person			
TN23 3PG	C	Kent Agency Assessment medium	Yes	3	1	Homeseeker	65 and over	Single Person			
TN27 0DW	C	Social reasons	Yes	1	1	Transfer	65 and over	Single Person			
TN26 2HB	C	Sharing facilities	Yes	2	1	Homeseeker	Between 50 and 54	Single Person	Hamstreet		
TN26 2HT	C	Sharing facilities	Yes	3	1	Homeseeker	Between 35 and 39	Single Person	Hamstreet		
TN24 9JF	A	Kent Agency Assessment high	Yes	1	1	Transfer	Between 30 and 34	Single Person			
TN26 2JB	B	Under occupying by 2 or more bedrooms	Yes	3	1	Transfer	65 and over	Couple	Hamstreet	releasing 3 bed	
TN26 3RJ	C	Sharing facilities	Yes	1	1	Homeseeker	Between 60 and 64	Single Person	Woodchurch		
TN23 3BD	C	Kent Agency Assessment medium	Yes	3	2	Homeseeker	Between 35 and 39	Family, 1 child			
TN26 2LP	C	Sharing facilities	Yes	2	2	Homeseeker	Between 30 and 34	Family, 1 child	Warehorne		
TN23 5PS	D	Adequately housed	Yes	3	2	Homeseeker	Between 40 and 44	Family, 1 child			Y
TN26 2LB	C	Lacking 1 bedroom	Yes	1	2	Transfer	Between 30 and 34	Family, 1 child	Hamstreet	Releasing 1 bed	
TN26 2LB	D	Adequately housed	Yes	2	2	Homeseeker	Between 50 and 54	Family, 1 child	Hamstreet		Y
TN29 0BE	C	Sharing facilities	Yes	1	2	Homeseeker	Between 25 and 29	Family, 1 child			
TN23 3GU	D	Adequately housed	Yes	2	2	Transfer	Between 25 and 29	Family with 2 children who should share			Y
TN26 2ED	C	Sharing facilities	Yes	1	2	Homeseeker	Between 40 and 44	Family, 1 child	Hamstreet		
TN26 2LB	C	Kent Agency Assessment medium	Yes	1	2	Transfer	Between 45 and 49	Couple	Hamstreet	releasing 1 bed HA property	

Please note that under our policy, we will only allow over 50's to bid for bungalows unless they are either adapted (and applicant requires that) or they are not designated as older persons and instead are to be treated like any house or flat with no priority to elderly and instead priority to locals.

Also, those deemed adequately housed and eligible for Local Needs only will not be considered for our properties as they are reserved for those in housing need.

If the properties are to be considered as older persons, then we would allow single people over 50 to be considered with a connection in the absence of those with a two bed need and a connection.

None of the two beds qualify for a bungalow in terms of age or need for adaptations (unless they are not going to be older persons accommodation).

Of the one bed needs, 8 are bungalow age and have a housing need and so if these are to be for older persons we would allow them a two bed in the absence of those with a two bed need and a connection.]

- (d) **16/01013/AS - Howletts Farm, Knockwood Lane, Molash, Canterbury, Kent, CT4 8HW - Variation to conditions 5 & 7 on planning permission 14/01326/AS to allow 40 HGV movements to and from the site per week and additional external lighting**

Please see request for withdrawal from the agenda in Section 4 above.

- (e) **14/01000/AS - Brockton Farm Paddock, Vicarage Lane, Charing - Change of use of land for the stationing of 4 No. mobile homes for residential use by a gypsy family, the stationing of 2 No. touring caravans, two amenity blocks and one stable/amenity block (part retrospective)**

Additional letter of objection raising the following objections:

- the site has been refused before and only on appeal was given temporary planning permission which has expired;
- the site has been expanded without planning permission;
- land has been sold off to another traveller that has increased the amount of caravans in the area which is unacceptable.

Statement of history of application:

A resident has requested that this is distributed to Members and it is therefore attached to this Update Report as Annexe 3.

Amendment to paragraph 62 of the report

Central Government Guidance advises against repeated temporary permissions; although, the Council does not yet have a 5-year supply of sites (with pitch

allocations being addressed through the Local Plan with adoption expected around summer 2017); Given this, these sites are likely to be delivered 2-3 years following adoption of the Plan. The lack of a 5-year supply of deliverable sites weighs significantly in favour of a temporary permission at the site. This is the same approach that the Inspector took back in 2011.

- (f) **15/01448/AS - 23 Tufton Street, Ashford, Kent, TN23 1QN - Demolition of existing building within conservation area and redevelopment of site to provide mixed use building of 1x office unit (B1) and 14x residential units**

No updates

- (g) **16/00458/AS - Land rear of 25, The Street, Hothfield, Kent - Construction of a new single dwelling, garage and associated landscaping**

No updates.

- (h) **16/00967/AS - 6 John Newington Close, Kennington, Ashford TN24 9SG - Erection of a two storey rear extension following removal of the existing conservatory and erection of shed in the front garden**

Typo error

The first sentence of para. 2 of the Site & Surroundings should be deleted and "in Kennington" should be added at the end of the second sentence.

- (i) **16/01235/AS - Land south of 16 – 34, Calland, Smeeth - Erection of 4 semi-detached houses on land adjacent to 34 Calland**

Para 6 - Substitute Figure 2 with the plan below:



Figure 2: Proposed site layout

Under 'Consultations' add:

KCC Biodiversity Unit has advised that sufficient information has been submitted to determine the application and raises no objections subject to a number of conditions.

Add the following conditions:

15. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation (including provision for reptiles, nesting birds, hedgehogs, badgers and dormouse) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- d) Area of retained habitat to be managed and enhanced
- e) Details of long term management of the retained habitat
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- h) Use of protective fences, exclusion barriers and warning signs
- i) Initial aftercare and long-term maintenance (where relevant);

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

Reason: To protect and enhance existing species and habitat on the site in the future.

16. Before the commencement of any works including site clearance, ecological enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancement measures shall be implemented and completed prior to the completion of works on site and signed off in writing by a suitably qualified ecologist, this written statement to be submitted to the Local Planning Authority. These measures shall include (but not limited to) the provision

of bird boxes, bat boxes, native tree planting and hibernacula/basking banks for reptiles.

Reason: To protect and enhance existing species and habitat on the site in the future.

- (j) **16/01245/AS - Land South West adjoining 40 Boxley, Ashford, Kent - Construction of two 3 bedroom semi-detached houses plus ancillary parking of nine spaces**

Cllr Apps supports this application.

ANNEX 1 – application 16/01157/AS

Planning Obligation		Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)	
<p>1</p> <p>Carbon Off-Setting Contribution (x 3 small commercial units and brewery)</p> <p>Contribution for funding carbon savings (excluding infrastructure) based on the residual carbon emissions of the buildings set out in the approved energy performance certificate and quantified over 10 years</p>	<p>Each contribution to be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the occupation of each commercial unit and the brewery</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from the commercial elements of this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>
<p>2</p> <p>Primary Education & Secondary Contributions</p> <p>Towards modular 2 classroom expansion at Repton Park Primary</p>	<p>£100,000</p>	<p>On occupation of the first dwelling</p>	<p>Necessary as no spare capacity at any primary or secondary school in the vicinity and pursuant to Core Strategy policies CS1, CS2 and CS18, saved Ashford Borough Local Plan policy CF21, Developer Contributions/Planning Obligations SPG, KCC Guide to Development</p>

ANNEX 1 – application 16/01157/AS

Planning Obligation		Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)	
School and the provision of 3 new classrooms at the Highworth School			<p>Contributions and the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary and secondary schools and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the limited ability of the proposal to make full contributions and be a viable development.</p>
<p>3 Public open space enhancements at Victoria Park contribution</p> <p>Towards the Victoria Park improvement project</p>	£150,000	On occupation of the first dwelling	<p>Necessary as improvements to Victoria Park are required to help meet the demand that would be generated and Victoria Park must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, policy TC27 of the TCAAP 2010, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use Victoria Park and the facilities to be provided would be available to them.</p>

ANNEX 1 – application 16/01157/IAS

ANNEX 1 – application 16/01157/IAS			Regulation 122 Assessment
Planning Obligation			
Detail	Amount(s)	Trigger Point(s)	
<p>4</p> <p>Securing public pedestrian and cycle access through the riverside parking court</p> <p>To connect the southern end of George Street with the combined public footway/cycleway beyond the southern boundary of the application site</p>	N/A	To be agreed	<p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p> <p>Necessary to ensure public accessibility to the river corridor (and enhanced riverside spaces) and to ensure that the development enables necessary desirable movement connectivity between the public highway south of the site and George Street leading to Victoria Road pursuant to Core Strategy policies CS1, CS2, CS4, CS9 and CS15, policies TC1, TC10, TC11 and TC26 of the TCAAP 2010 and guidance in the NPPF.</p> <p>Directly related as the application site involves the development of a surface parking court in the area between the southern end of adopted public highway in George Street and the adopted highway forming the combined footway/cycleway running on the northern side of the River Stour strategic parks further to the south. Without public access being secured the development proposal would result in a disconnected urban environment to the detriment of the amenities of development occupiers and existing residents</p>

ANNEX 1 – application 16/01157/AS

Planning Obligation		Amount(s)	Trigger Point(s)	Regulation 122 Assessment
Detail				
				<p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>
<p>5</p> <p>Notice of commencement of development</p> <p>To be served on the Council In relation to the development on the southern side of Victoria Road</p>		N/A	<p>In relation to the southern side of Victoria Road being served on the Council</p>	<p>Necessary to give legal certainty as to the start date of the development on the southern side of Victoria Road for which the Council has agreed to forego contributions on the basis of early delivery of development with agreed regeneration benefits to the town centre.</p> <p>Directly related to the application before the Council and the applicant's viability case in relation to the ability of the development to be delivered.</p> <p>Fairly and reasonably related in scale and kind to the development for which permission is sought.</p>
<p>6</p> <p>Completion of development</p> <p>In the event construction of the</p>		N/A		<p>Necessary to give certainty as to the date by</p>

ANNEX 1 – application 16/01157/AS

Planning Obligation			Regulation 122 Assessment
Detail	Amount(s)	Trigger Point(s)	
residential development south of Victoria Road starts, the dwellings must be completed and ready for occupation within 5 years			<p>which the development on the southern side of Victoria Road for which the Council has agreed to forego contributions on the basis of early delivery of development with agreed regeneration benefits to the town centre is required to be completed if construction starts.</p> <p>Directly related to the application before the Council and the applicant's viability case in relation to the ability of the development to be delivered.</p> <p>Fairly and reasonably related in scale and kind to the development for which permission is sought.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <u>council web site</u> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>			

Annex 2 – application 16/01167/AS

Annex 2 – application 16/01167/AS				Regulation 122 Assessment
Planning Obligation				
Detail	Amount(s)	Trigger Point(s)		
<p>1</p> <p>Carbon Off-Setting Contribution</p> <p>Contribution for funding carbon savings (excluding infrastructure) based on the residual carbon emissions of the building as set out in the approved energy performance certificate and quantified over 10 years</p>	<p>Each contribution to be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable on the first occupation of the building.</p>	<p>Necessary in order to ensure the development is carbon neutral pursuant to Core Strategy policies CS1, and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.</p> <p>Directly related as only carbon emissions from the commercial elements of this development would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from this development and any payment is based on the amount of carbon dioxide to be offset.</p>	
<p>2</p> <p>Contribution towards nearby outbound bus shelters</p> <p>Contribution towards the improvement of infrastructure for bus services in the vicinity</p>	<p>£12,500</p>	<p>On occupation</p>	<p>Necessary in order to meet the increased demands on services generated by the development, promote public transport and encourage a modal shift away from private car use through making bus usage attractive by</p>	

Annex 2 – application 16/01167/AS

Planning Obligation		Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)	
			<p>providing shelter facilities pursuant to Core Strategy policies CS1, CS2, CS15 and CS18, Urban Sites and Infrastructure DPD policy U24, Kent Local Transport Plan and guidance in the NPPF.</p> <p>Directly related as customers and employees will travel and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has been calculated based on the scale of the development including its customers and employees.</p>
<p>3 Commuted parking contribution</p> <p>Contribution towards car parks / multi-storey car park or park and ride facilities and associated services in Ashford and improving access to the site by public transport, bicycle and on foot</p>	£245,000	Upon first occupation.	<p>Necessary as non-operational parking is to be provided in car parks and at park and ride sites and access by public transport and bicycle and on foot is to be promoted pursuant to Core Strategy policies CS15 and CS18, Ashford Town Centre AAP policies TC22 and TC25 and guidance in the NPPF.</p>

Annex 2 – application 16/01167/AS

Planning Obligation			Amount(s)	Trigger Point(s)	Regulation 122 Assessment
Detail					
4	Monitoring fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£500	First payment upon commencement of development and on the anniversary thereof in subsequent years	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the proposed planning obligations.</p>	

Annex 2 – application 16/01167/AS

Planning Obligation		Regulation 122 Assessment	
Detail	Amount(s)	Trigger Point(s)	

Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the [council web site](#) in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.

If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.

History of application - Brockton Farm Paddock

2000-2002

Site developed illegally in 2000 and retrospective permission sought in 2001 for ONE family in 2 caravans. Sheds also constructed without permission. Temporary permission given in 2001 for one year

Photo date & actions

Dec 2003

application increased retrospectively to 1 mobile 1 caravan and a utility room for ONE family. Refused and appeal dismissed. NO ACTION TAKEN



Dec 2006

After 3 years court action taken, ABC accepted another application and rejected it and finally an appeal gave temporary permission in 2007 for 3 years within smaller curtilage.



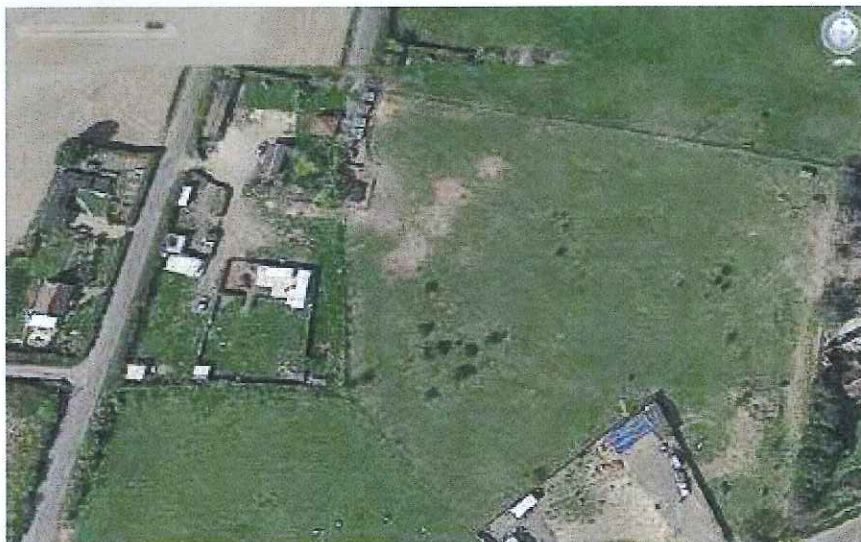
Dec 2008

A stable block/ further utility area was erected without permission and later added to temporary permission. the boundaries of the development area had again extended back to original development area. In 2010 further permission was sought for 3 mobiles, one caravan and one stable/ utility block. refused and allowed on appeal for 3 years with an additional 2 caravans and an extra utility block



July 2013

several building and other structures now visible on much developed site, including at least 8 vehicles, several caravans and mobile homes. The development of the additional site to the south originally planned for Nancy Smith (who he told Dargate at the time did not want it) is very clear and was advertised for sale



April 2015

4 families at the site plus an illegal site in the southern corner sold to another traveller family Temporary planning permission for 3 families has expired and retrospective planning permission sought for 4 families on the original site with ancillary buildings.