

Planning Committee

Wednesday the 15th March 2017 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 15th February 2017
4. Requests for Deferral/Withdrawal - none

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. Schedule of Applications
 - (a) **15/01550/AS - Highmead House, Hythe Road, Willesborough, Ashford, Kent, TN24 0NE - Outline planning permission with some matters reserved (layout, appearance, landscaping, scale and part access) for residential development for the retention of Highmead House and the construction of 28 residential units with vehicular access from the A20 (to be either the provision of a priority junction or only an internal access link to a signalised junction if and when constructed on adjoining land to the west, with the closure/removal of the priority junction if constructed)**

A further letter from a neighbouring resident has been sent objecting in summary on the following grounds:

- The countryside by the A20 is very much unspoilt and should be retained.
- Highmead House is a lovely Edwardian property which should be retained without any development of the existing land.
- 28 dwellings being built on the site is far too many and the road entrance in relation to the nearby Tesco roundabout is far too close and will only lead to a backup of traffic onto the roundabout.
- The proposed entrance onto the A20 would be very dangerous on the brow of Summerhill and opposite Tesco's loading bay.
- The Council must consider the amount of traffic now using the A20 which has more than trebled in the last 5 years and the amount using The Street so to avoid Junction 10.
- The Council should consider if the current infrastructure such as sewerage, water, doctors schools can take anymore development and pollution from traffic

- This development should be delayed until Junction10a is built.
- (b) **16/01198/AS - Former Kent Highways Depot, Ashford Road, High Halden - Demolition of existing buildings, walls and hard standing; erection of 25 residential units comprising 9 x 4 bedroom, 14 x 3 bedroom and 2 x 2 bedroom units; garages, parking and associated works (amended scheme to approval 12/01449/AS for 20 dwellings)**

Update 1:

Since the preparation of the report, discussions have taken place with the applicant concerning the detail of the Deferred Contributions Mechanism (DCM). The applicants have pointed to the deficit which their viability appraisal indicates needs to be recovered via increased sales values before the scheme is in profit. This deficit has not been fully tested by the Council's consultants, in order to avoid delay, but it is agreed that a deficit is likely. Accordingly, officers have agreed with the applicants a level of deficit recovery before the need to pay deferred contributions kicks in. The agreed position is as follows:-

1. The current Gross Development Value (GDV) is accepted.
2. 50% of the stated viability deficit (this is approx. 2% of GDV)+ profit/marketing costs on that figure to get to a sales figure have been agreed to be recovered.
3. GDV would therefore need to reach GDV + the sum in 2. before the DCM is triggered.
4. There would be no indexation on build costs.
5. The sharing of GDV uplift would be 40% to ABC and 60% to the applicant up to the commuted sum limit listed in the committee report.
6. DCM would operate against the GDV overall not individual units so any DC's are payable after the last unit is sold.

I **RECOMMEND** members accept this as the basis for a Deferred Payments Mechanism for this development.

Update 2:

High Halden Parish Council have confirmed that at present, they have no plans to pursue the projects previously identified in the earlier S106 relating to the outline planning permission.

The following new project has been identified:

Outdoor Sports Pitches - Improved drainage for the sports pitch in High Halden to increase its carrying capacity.

Following confirmation of projects officers have assessed the requirements against Regulation 122 and for the reasons given remain of the view that for the reasons set out in the report to Committee, the contributions sought are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

At present no projects have been identified for children's and young people's play space, informal/natural green space, allotments and cemeteries. If no projects are identified by the time the s106 is ready to be signed then contributions cannot be sought towards these provisions.

- (c) **16/01412/AS - Land between Aldington Fresh Foods and Brockenhurst, Roman Road, Aldington, Kent - Residential development to provide 10 No. houses together with associated access driveway, parking spaces and landscaping**

No updates.

- (d) **16/01841/AS - Land between The Hollies and Park Farm Close, Woodchurch Road, Shadoxhurst, Kent - Erection of 12 dwellings, the creation of a new access from Woodchurch Road, new landscaping and ancillary works**

Update 1 – Site Area

A resident has questioned the size of the application site. The current application forms state the application site as 0.93 hectares. However the red line has been recalculated and the site area measures 1.48 hectares.

Update 2 - Density

The knock on effect for the overall net density is that the density of the scheme is **8** dwellings per hectare rather than **12** dwellings per hectare stipulated in the report.

Update 3 - Highways

On 7th March Kent Highways confirmed that with revision to proposals to reflect their earlier comments that they had no objections subject to conditions covering the following issues;

- Construction vehicles loading and turning facilities
- Parking for construction site personnel and visitors
- Preventing surface water discharge from private drives
- Provision of wheel washing facilities
- Permanent retention of vehicle parking spaces
- Permanent retention of vehicle turning facilities
- Bound surface material on private accesses
- Covered cycle parking facilities
- Gates set back from highway
- Completed footways, carriageways and other highway elements before occupation
- Protection of visibility splays

- Hard landscaping proposals
- Plus an informative.

Update 4 - Applicant's Comments

The applicant has pointed out

At various points within Committee Report that (including page 4.26 bullet point 30) states that *the application site falls outside of the built-up confines*. However the applicant points out that WS17 in appendix 5 in the 2015/2016 Strategic Housing and Employment Land Availability Assessment, states that the site is identified as

“within the built confines of Shadoxhurst main village centre and has no environmental constraints. It has housing on three boundaries and development here would not adversely affect neighbouring properties.”

Please could you therefore correct this point of fact within the Committee report to Members.

[HofSS&D Comment: The SHELAA report is incorrect in making this reference.]

An updated Ecological Scoping Survey has been submitted on 14th March.

Update 5 - Parish Council

The further comments of the Parish Council are contained in **Appendix 1** to this update report. The Parish Council will also speak at the Committee Meeting.

The Parish Council also say they have never been formally consulted about the potential destination for Section 106 Developer Contributions with respect to this application.

They wish to point out that if the application is granted, the Parish Council would like to assign their share of the contribution as follows:

1. Highway safety measures in the village, £12,000
2. Disabled toilet facilities in the village hall,
3. In case the toilet facilities were under that budget, then the balance to go towards play equipment at the recreation field as per the report.

[HofSS&D Comment: Kent H&T have not requested any highway safety measures. The proposed Outdoor Sports contribution may be capable of being used for improvements to the village hall if this serves a sporting purpose – this can be checked. A play area contribution is proposed]

Update 6 - Residents Comments (Peter Finnis)

The original comments submitted by Peter Finnis were collectively addressed in the original report as part of the issues raised by all residents and objectors. His subsequent comments submitted on 13th March can be summarised as follows;

- Many of the fact-based objections submitted by the Community have been ignored, or diluted, in the ABC Report to Committee.
- Pages 4.18–4.22 provides a summary listing of “Neighbours Objections” and Annex 2 provides a more detailed extract from the Parish Council’s submission.
- I, together with several other residents, have submitted more detailed objections on specific topics, backed notably on the Flooding Risk with photo & other graphic evidence; these have been ignored and in consequence will not be seen by the Committee.
- My objection included concerns developed by “experts” on Road Safety and Ecology, which had also been submitted independently; these do not appear.
- Flooding, of which there is a proven history in the locality of this site, is a serious concern to the immediate neighbours; it gets no mention by either the Applicant or your Report.
- Similarly, I request that you temper your unquestioning acceptance of the Eco-Scoping Study and Traffic Study with fair consideration of the comments made, not just by myself but others.

Application for Development 16/01841/AS
Field between Hollies & Park Farm Close, Woodchurch Road, Shadoxhurst
Briefing to Planning Committee from Shadoxhurst PC

Overview.

We are pleased that the Parish Council submission is included in annex to the ABC Planning report. Other residents' submissions have not been given similar weight, which is both unfair and unbalanced.

The previous application (15/00539/AS) for this development was reviewed and rejected by ABC Planning Committee in February 2016; it is currently under Appeal.

The Appeal Hearing has been postponed from early Feb which allows the current application to be heard first; Objections submitted to Appeal, both by ABC and Residents, remain largely valid and the officer's report for this application frequently contradicts its own previous arguments.

The present 12-house case differs from the previous 15-house only in the Design & Layout of the Houses & Site, and detail of the proposed SuDS scheme; nothing significant changes in the overall context of the site within the village.

The site was not identified as suitable for development in the last Core Strategy nor in the Draft Local Plan 2030. Officers clearly did not consider the site Sustainable and scored it low in the 2014 sustainability matrix. Nothing has changed, it is still not suitable.

Many of the issues considered important by the Community are ignored, or misrepresented, within the Applicant's Submission and the ABC Planning Officer's Analysis.

Summary of Key Community Objections.

Sustainability

Proposed development was assessed by ABC as part of the Draft Local Plan review; it ranked low in the 40+ sites considered and the recommendation was "not suitable". This conclusion was inexplicably ignored in subsequent DLP retained sites.

Subsequent analysis of the WS17 report shows significant factual errors and omissions; correction to these indicates an indisputably significantly lower ranking.

We have no school, health facilities, no care home or shop. Sustainability, which is the cornerstone of the NPPF is not as strong an argument as the Applicant tries to make out, as our submission clearly demonstrates

Need for Housing in the Right Place

Objections to both the current Appeal and new Application have been submitted from across the whole community and not just the immediate neighbours.

Results of Community Consultations provided clear wishes to maintain the Rural characteristics of the Village in general and NO to this site in particular. We are not NIMBYs, indeed we welcome the right size of development in the right places, including affordable housing. At the same time, we value this green space as a break in an otherwise long road of housing.

There is already recently completed housing on a large brownfield site in Shadoxhurst, with 12 out of 17 units as yet unsold.

Shadoxhurst is Rural, not Urban

The Site is very last rural break on the north of Woodchurch Road and part of the last green corridor we have. Green spaces are important in the NPPF, the ABC Core Strategy and Tenterden and Rural DPD and just as vital in villages as urban Ashford for the amount of houses we already have; we will be disadvantaged if this space is developed.

Conserving and preserving biodiversity is of paramount importance; the Ecology report does not do this proper justice. Residents' submissions go into specific details, but these were not picked up in the report.

A substantial amount of housing will be built between Shadoxhurst and Ashford and there is no local need for any more large developments in the village. The cumulative effect of this and local house building in Shadoxhurst has not been considered in the report.

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Importantly, the proposed development is OUTSIDE the Village 'Built Confines' and is contrary to Ashford's own Local Planning Policies.

This by its size, scale and nature is a large development on a green field site and is totally out of keeping with the rural character of the village.

The Officer report (para 11) states: "*The proposed development would form a new rural village lane ... Rather than a standard cul-de-sac the lane terminates with an attractive village green space.*" We are most concerned that it stays a cul-de-sac and not become a lane, suggesting further development beyond to follow. The "*attractive village green space*" is far too small and incidental.

Issues ignored by ABC & Developer

Applications (present & previous) ignore proven history of Surface Water Flooding, across this locale, on this site, the Woodchurch Road and neighbouring properties.

A highly complex site drainage scheme is proposed, with no clear assurance of its ongoing maintainability; the offsite downstream impact into the adjacent floodplain and Beult Catchment feeders is likewise totally ignored.

Southern Water has repeatedly advised, on this and an adjacent major application, of lack of capacity in public sewerage networks, with clear need for local upgrade, and that the application is "premature". There is nothing in the application to fund or support this upgrade. Without considerable investment, the development is in our view not deliverable.

The Application & its Supporting Docs make selective reference to National & Local Policies & Guidelines, again ignoring those likely to be negative. Notably:

Consideration to be given to Cumulative impact of other current & future developments in the area (other adjacent sites, Chilmington traffic, etc)

Application arguments conveniently ignore the provision "unless the adverse impacts clearly and significantly outweighed the benefits".

Access concerns arising from the Applications and the initial review by KCC Highways in 2015; all attempts at clarification between Residents & KCC continue to be rebuffed and at best there is a total lack of transparency at the apparent disappearance of valid objections.

Studies & Reports issued in support of the Application include errors, misleading statements and regularly ignore inconvenient facts.

The Eco Statement was only based on a single two hour site visit, in contradiction with all recognised guidelines.

Transport & Access Statement includes some questionable interpretation of analysis data and design details, justification for which is absent from public scrutiny.

The "Urban Design Evidence Statement" doesn't seem to recognise that the site in Shadoxhurst is classified as Rural by ABC and National guidelines.

Conclusion

The annex in the Officer's Report provides our full arguments and we consider that this Report gives undue weight to the lack of five year supply. Though some appeals are being lost on these grounds, not all are, with each case considered on its own merits. Shadoxhurst should not be penalised for this situation; the village will be damaged, as will other places unless the balance is redressed.

Apart from three less houses and modifications to the layout, nothing has changed since February 2016 when you refused the application, other than national pressure.

Finally, Members declared it was premature in February 2016, this is still the case in March 2017 and the future of the field needs to be considered at the Local Plan Public Enquiry.

So we ask you to **Please REFUSE this application.**