

Planning Committee

Wednesday the 17th May 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 12th April 2017
4. Requests for Deferral/Withdrawal

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. Schedule of Applications
 - (a) **16/01548/AS - Wye School, Kempe Centre, Olantigh Road, Wye, Ashford, TN25 5EJ - Phases 2 and 3 of the proposed Wye school expansion comprising permanent use of the Kempe Centre for school use; refurbishment of the Kempe Centre to include new sixth form accommodation and minor alterations to the external appearance of the building to reflect internal reconfiguration; retention of the two existing temporary classroom cabins until the end of the 2018/2019 academic year; demolition of existing structures and some trees; erection of a new building comprising the main hall, 4 court sports hall and new teaching accommodation; new coach, car and cycle parking provision; new soft and hard landscaping; off-site highway works on Olantigh Road and other associated works**

Comments from the applicants on the Committee report

Para 8 – the car parking numbers quoted are incorrect in that 57 staff spaces (not 26 are in fact proposed (28 spaces tandem staff and 29 standard staff spaces). A new coloured up plan has been submitted to make these spaces easier to identify (See Display Copy)

Page 1.10 (Planning History) –

93/00357/AS – Outline planning permission for new sports hall APPROVED
96/1009/AS – Outline planning application for new sports hall APPROVED
99/01244/AS – Outline planning application for new sports hall APPROVED

In response to the Parish Council's comments that the east elevation is 750sqm, the applicants have clarified that it is 715sqm.

The applicants have requested that attention is drawn to Paras 36/37 (Wye Neighbourhood Plan) – paragraph 6.3.1 of the WNP which specifically states:

*“The WNP supports the location of the school on the WYE3 site. The school has planning permission to operate from the adapted Kempe Centre building for 3 years. The EFA, United Learning and Telereal Trillium have agreed that, **subject to planning permission, Wye School will be permanently located in the former Kempe Centre building with additional buildings to be constructed, together with new playing fields, to support its expansion.**”*

Para 37 – Policy WYE3 actually states that education uses will be acceptable in principle subject to (criteria a, b and c).

Para 40 – the new building is 3.1m above the highest survey point of the road (not 3.29m as stated in the committee report)

Under Planning Policy – Local Development Framework Core Strategy 2008 add:

“CS10 – Sustainable Design and Construction”

At end of Assessment

- add section on “Planning Obligations”

Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they 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. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

Detail	Amount(s)	Trigger Point	Reg 122 Assessment
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<p>Carbon Off-setting</p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the building set out in the approved energy performance certificate and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</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 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>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.</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>			

Under **Recommendation** add:

(A) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations detailed in table 1, in terms agreeable to the Development Control Manager or the Strategic Sites and Design Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Development Control Manager or the Strategic Sites and Design Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(B) Permit

The applicants have suggested a number of minor amendments to the conditions, which will be considered as outlined in Recommendation A above.

Letter from RPS, planning consultants for the application, to Cllr Burgess

This letter raises the following additional points in support of the scheme:

- Securing planning permission for this much needed project is vitally important to the school and its proposals for continued growth, its pupils and to the village of Wye itself.
- A positive determination of this application will represent the culmination of 6 years work on the part of UTL and the Education and Skills Funding Agency who are promoting the growth of Wye School on a phased basis. Throughout the whole process, UTL have fully engaged with Wye Parish Council, ABC education and planning officers, the local community and the school community to develop the best solution for all stakeholders involved.
- The principle of locating a new sports hall development on land to the north of the Kempe Centre is long established by the planning history associated with this site with three outline applications for a sports hall on this part of the site (Ref: 93/00357/AS; 96/01009/AS; 99/01284/AS). It was never the intention for the Kempe Centre to stand alone along Olantigh Road. This planning history is material to the determination of the current planning permission.
- The school is oversubscribed and there is a huge demand for new school places. There is an urgent need for the proposed development with expected growth over the next 4 years as follows:

Academic year	No of pupils expected
2015/16	270
2016/17	360
2017/18	450
2018/19	450 (plus 75 sixth form)
2019/20	450 (plus 150 sixth form)

- The school is suffering from a severe shortage of space with many students forced to work in temporary accommodation. The teaching environment at the school is

becoming difficult and the need for new teaching accommodation is more urgent than ever.

- The Government Policy Statement 'Planning for Schools Development' (August 2011) sets out the government's firm commitment to ensuring sufficient provision to meet the growing demand for state funded school places. This is endorsed by the NPPF (as outlined in the main body of the committee report).
- The proposed development accords fully with the Wye Neighbourhood Plan
- The proposed development does not represent overdevelopment – The compact design represents the most efficient use of a brown field site. From an operational perspective the proposal works efficiently for the school. Pupils will not be required to cross roads and natural surveillance will be maximised as all pupils will be concentrated into one area. Pupil and staff travel times are minimised across the site.
- The proposed development would not be harmful to the Kent Downs AONB and the applicants have agreed to accept the condition identified in the officer report for additional native planting.
- There is significant support for the proposed development – there have been few objections since the proposal was first submitted in October 2016.
- There are significant community benefits associated with the proposed development – the new hall building would be available for community use outside of school hours

Further letter of objection from Mark Hanton

The school application made me feel a bit like we were paying lip-service to a masterplan process that is being dictated by higher political powers and pressures, and I am unwilling to take more valuable time off work to do so. I may be wrong but the implications of the application being dealt with separately to the masterplan are significant in my mind, and although I have had time to reflect I still come to the same conclusions. These are perhaps better laid out as follows, and which I am happy for you to forward to the planning officer if you feel the points are justified:

- I do feel that the landscape and visual impacts have not been probably assessed and, given the sites AONB context and location along a National PROW route, with a major vantage point on the 'Crown', a full LVIA (in accordance with the GLVIA) should be requested. The problem now is we are in almost full leaf so winter impacts are difficult to assess. However my view is that although the existing Kemp Centre is a small element in the wider panoramic, its impact as an incongruous 3 storey architectural form is quite significant as a detractor in that view. The new building may make that base line condition worse and has therefore potentially a 'significant' impact which should be properly accessed.
- Further to this an approved 3 storey building is likely to create a precedent for 3 storey houses in the Wye 3 site which I have absolutely no doubt the developers

will push for. We did a lot of urban analysis on Wye as part of the neighbourhood plan and historically 3 st buildings are only found in the centre along Church street. That with the tight-knit high density streetscape here and along Bridge Street, Upper Bridge Street, and the start of Scotton street and Oxenturn Road give Wye its unique identity, legibility, and 'sense of place'. Higher density development around Havillands erodes those important aspects of the village, and unless Wye 3 gives regard to the settlement pattern and its hierarchy, it will further erode those qualities in much the same way.

- In terms of general landscape design, this is given very little weight in the application despite of its importance as an edge of settlement location and in an AONB. The landscape plans have no 'meat' that is necessary to understand the character or quality of the scheme and whether it is in keeping with the AONB management plan or the village vernacular. Such an important consideration should not be conditioned (or an afterthought) but should be at the forefront of any development of this nature. For example, I understand that the sports pitches are to be surrounded by weld mesh fencing which is a significant area and will have a huge impact on the local character. I believe a Landscape Architect should be commissioned to provide full hard and soft landscape plans with proposals based on a response to the AONB and historic settlement. I would be happy to freely appraise and comment on any proposals that come forward to support the councils own views.
- In terms of urban design, the school is a key civic building and was highlighted by the expert urban design adjudicator at the last workshop as needing careful integration with the masterplan. Yes it is an educational use as desired by the neighbourhood plan and no one is disputing this, but Its design is currently dictated by a notional plot of land offered by a landlord without any regard to the wider masterplan. I fail to see how the layout with a mass of parking spaces in front of the buildings will end up being successfully integrated. I also fail to see, with the current main entrance arrangement and proposed engineered highway works, how this will have the presence and frontage required by an important civic building in creating a high quality urban environment.

As mentioned I have no desire to see the school fail (and hope that my own children will attend there) but whilst it is important to resolve this asap so that children do not have to learn in mobile classrooms longer than they need to, surely the greater importance is the legacy that a school such as this will leave on an important historic village and the importance of landscape and urban design qualities, and not just 'use' and 'architectural design' which appears to me to carry greatest weight in the current application (which by the way I feel is very strong and clearly they have a very capable Architects who can create something equally wonderful if given a slightly different brief).

I clarify my position as a local Landscape Architect and urban designer who until recently lived and worked in Wye and was commissioned by the Parish Council for design work in relation to the neighbourhood plan. I am no longer working for the PC in this or any other respect and now live in Brook. My views are professional based and with a strong personal desire to ensure that any development in Wye is appropriate.

- (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)**

Additional representations

Two letters of representation have been received. The first asks that the existing representations received are discussed both professionally and with competence, and states that the increased traffic on the A28 through High Halden travelling to the new housing developments in Tenterden cause the houses on the A28 to shake.

The second states:

- keen for this "brownfield" site to be brought back into effective use as quickly as possible, as a residential development
- do not believe the commercial risk of the developer is , or should be, a material consideration. However if the way to move forward quickly is in line with officer recommendation the condition should be amended to get the development started and completed quickly for example less than 3 years.
- The number of two bedroom properties should be increased by 2 or 3.

Appreciating that the S106 contributions will be available for items within the parish this should not be limited or used exclusively for the sports field, other examples include:

- * Play areas which will require maintenance and expansion/improvement
- * The local Primary and Nursery schools would benefit from support.
- * The village hall requires ongoing maintenance and improvement or funds could contribute to more ambitious projects that would see a replacement hall built that better meets the needs of residents in the 21 century.
- * Improve parking and road safety
- * Introduce other sports facilities to the village, e.g cricket, table tennis or tennis
- * Support existing groups in the village such as Young At Heart (over 55 group) Brownies, Messy church etc.

Clarity of abbreviations in report

For members benefit, abbreviations referred to in the pink paper include DCP standing for deferred contributions policy and GDV standing for Gross Development Value.

- (c) **16/01322/AS - Mechanical Components Ltd, Church Farm, Bell Lane, Smarden, TN27 8NT - Redevelopment of an existing commercial/industrial site to accommodate 5 commercial units**

Additional conditions

Additional conditions are recommended to deal with the issues of policy CS10 and prevent external storage.

1. Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until the following details for that building/unit 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 LDC technologies installed
 - b) Details of the LDC 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 LDC 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 building/unit 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 building/unit stating (i) the actual amount of carbon emissions from energy demand with the LDC 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, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF

2. The land surrounding the buildings/units shall not be used at any time for open storage, apart from for the parking, loading/unloading and turning of vehicles associated with this use in accordance with condition 8.

Reason: In the interest of the visual amenity of the locality.

- (d) **16/01431/AS - Milee, Nickley Wood Road, Shadoxhurst, Ashford, Kent, TN26 1LZ - Change of use of land for the stationing of 4 gypsy pitches and associated development and the erection of a goat barn (part retrospective)**

Additional representations from parish council

A representation has been received from Shadoxhurst Parish Council raising the follow points:

- The PC request that officers and members listen to the residents who have lived with various issues over recent years and a number have made valued representations.
- Historically the population of Nickley Wood was balanced between settled residents and gypsies/travellers.
- The concentration of gypsies/travellers should not dominate the nearest settled community.
- Concur with officers view that four additional pitches would not materially alter the ration of gypsies/travellers to the settled community when looking at Shadoxhurst as a whole, which contains 510 properties. However, there is a need to consider the community of Nickley Wood Road which contains 38 properties. Of these, there are only 13 houses, and 25 caravans. There is already an imbalance of two to one and the proposal would materially tilt the balance further towards three to one.
- Infrastructure includes water supply, electricity, telephone access and broadband. None of these have been investigated or considered.
- Vehicular transport will be essential for the occupiers of this site and Nickley Wood Road is in poor condition and being used and abused.
- Surface water flooding is a constant issue in prolonged rainfall.
- The overall impact of growth in Nickley Wood on the degradation of the Ancient Woodland in which the Community sits is concerning and is not being considered.
- Infrastructure in Nickley Wood Road is seriously overstretched and any further development in that area should not be considered until this is upgraded.
- We consider that there should be a suspension on all future permissions until a detailed planning audit is undertaken in Nickley Wood and proper enforcement action implemented to address any irregularities.

One other representation has been received by email, which has been copied to all Ward Members within the Borough. The email and three documents attached emphasise objections already summarised within the committee report and rebut the officer's assessment in response to these points. One new objection is raised which states:

- The officer does not mention policy TRS2 which states that new residential development outside the built-up confines of the defined villages will not be permitted, save in certain exceptional circumstances which do not apply here.
- (e) **16/01804/AS - Oldbury, Brissenden Green Lane, Bethersden, Ashford, Kent, TN26 3BJ - Subdivision of existing AOC dwelling to form two separate dwellings (retrospective)**

Clarification

The hieroglyphics at the beginning of the report make reference to the receipt of 12 objections when this should read as 13.

Amended recommendation:

Following the receipt of additional marketing information in support of the application and the misinforming of consultees by letter of the timeframe for the receipt of comments (being a full period of 24 days which would be usual practice for amended plans and not for the receipt of additional information), the recommendation is to therefore be amended to the following:

Permit

- (A) Subject to the expiry of consultation period of 29 May 2017;*
- (B) subject to no further material planning objections being received;*
- (c) the Head of Development Strategic Sites and Design or the Joint Development Control Managers be authorised to Permit subject to the conditions and notes set out below;*

Additional representations

Parish Council comment on the application with the main points of which are as follows:

- the application description is misleading and will not be fully understood by members:
 - does not clearly indicate the removal of the AOC as part of the application
 - does not underline that it is creating a new dwelling house in the countryside
 - if all retrospective applications are to be considered it will make future enforcement of adopted planning policies impossible to achieve
 - The applicants would have been well aware of the AOC planning conditions attached to the property when it was purchased.
 - The enforcement notice to quit the property has already been circumvented and the present application seeks to bypass the AOC condition by forming a new dwelling house which will conveniently negate the validity of the AOC.
 - The Parish Council do not want to see an unwarranted loss of an affordable rural home from the local housing stock.
- (f) **16/01835/AS - Agricultural Building at, Mackley Farm, Knock Hill, Stone, Kent - Demolition of existing agricultural building and erection of new building to comprise a single dwelling with associated parking and change of use of agricultural land to garden**

No updates

- (g) **17/00121/AS - 162 Canterbury Road, Kennington, Ashford, Kent, TN24 9QD - Erection of a single storey side and rear extension**

No updates

- (h) **17/00281/AS - North Park, Tannery Lane, Ashford - Mrs S Barber, Ashford Borough Council, Civic Centre, Ashford, Kent TN23 1PL**

No updates.

- (i) **17/00337/AS - 12 Hewitts Place, Willesborough, Ashford, Kent, TN24 0AH - Erection of single storey side and rear extension**

Amendment to introduction

Members are advised that the agent responsible for this application remains in the employment of the Council on a consultancy basis.

- (j) **17/00170/AS - Meadow View Industrial Estate, Hamstreet Road, Ruckinge, Kent - Change of use of land for stationing of caravan for overnight security purposes ancillary to Meadow View Business Park and associated hardstanding (retrospective and resubmission of 15/01657/AS)**

No updates.

- (k) **17/00354/AS - South Kent College, Jemmett Road, Ashford, Kent, TN23 4RJ - Reserved Matters application for the development of 160 dwellings together with access roads, footpaths, drainage, associated car/bicycle parking provision, groundworks, landscaping, open space and infrastructure (pursuant to outline approval 11/00405/AS)**

Additional representations

1 further representation received from a resident the main points of which are as follows;-

- The Jemmett Road/Brookfield Road (Beaver Lane) T-junction cannot cope at present with traffic particularly at peak times
- Its geometry reduces available visibility in a westerly direction when exiting Jemmett Road (which is of concern as it suggested that vehicles exceed the speed limit) and traffic waiting to turn into Jemmett Road such as buses block exit in a westerly direction.
- Re-engineering the junction to deal with these concerns is suggested.

The Housing Manager confirms that the application is supported.

Amended plans

Amended plans have been received providing improved landscaping to the streets as per the approach identified in paragraph 54 (pg. 11.22) of the report. The plans

also deal with the consequential adjustment to the location of parking spaces. The changes made are acceptable.

Kent Highways

Confirm that the amended plans address previously made concerns. Agree with the findings of the parking surveys carried out by the applicant. Consider that the proposals provide adequate and acceptable car parking. Identify that amendments to the existing Traffic Regulation Order (in respect of location of parking bays and double yellow lines on parts of the Jemmett Road frontage) will need to be funded by the developer. I propose that this is dealt with by an Informative: the cost is likely to be small and without amendments the bays would be able to be used blocking any homes with a vehicle crossover and so resolving this matter is in the applicant's interest.

Confirm that the Stage One Road Safety Audit supplied by the applicant is acceptable and that further technical details will be addressed through Highways Act s.278 and s.38 agreements.

Request attachment of planning conditions. One of the conditions is already contained within the outline planning permission and so is unnecessary. The other conditions dealing with visibility splays are detailed further below.

Unilateral undertaking

The applicant has now confirmed agreement to move forward with making a unilateral undertaking dealing with the minor shortfall in on-site public open space as a result of the changes. Recommendation (b) therefore remains.

Boundary to Block A flats and its associated car park – revision to Recommendation (a)

In my opinion, demarcating the demise of Block A flats from the 'learning link' (on its western side) and from public open space (on its southern side) needs refinement through further discussion with the applicant. The current iteration of the landscaping plans would leave these boundaries with an open character. From a 'Secured by Design' perspective, providing enclosure through an appropriate boundary would help ensure that the hinterland of Block A is clearly read by members of the public as being a private space as opposed to a public space. In my opinion, a hedge would be a visually appropriate boundary solution and would also assist in the screening parked cars thereby improving the visual character of Block A. I therefore propose that Recommendation (a) is revised as follows:-

- (a) Subject to the receipt of amended plans acceptable to the Head of Development Strategic Sites and Design that provide an appropriate demarcation of the hinterland of Block A from the learning link and public open space, and**

Additional highways related planning conditions

3. The visibility splays shown on the submitted plans shall be provided with no obstructions over 0.6m in height above carriageway level prior to the access points top which the splays relate being brought into use and thereafter the splays shall be retained and maintained in this manner.

Reason: In the interests of highway safety.

4. Pedestrian 2m x 2m visibility splays taken from the rear of the footway on both side of accesses within which there shall be no obstruction over 0.6m above footway level shall be provided prior to accesses being brought into use and thereafter the splays shall be retained and maintained in this manner.

Reason: In the interests of highway safety.

Additional Informative

The redevelopment of the frontage to Jemmett Road will require the applicant to fund amendments to the existing Traffic Regulation Order enforced by Ashford Borough Council in order to avoid any conflicts between on-plot parking serviced by new vehicular crossover and existing on-street parking bays.