

Planning Committee

Wednesday the 19th July 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 21st June 2017, subject to noting that Councillor Murphy was **not** present.
4. Requests for Deferral/Withdrawal - none

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. Schedule of Applications
 - (a) **17/00303/AS - Land south of railway line and west of, Pluckley Road, Charing, Kent - Outline planning application for up to 245 dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area (LEAP and MUGA), balancing ponds, vehicular access point from Pluckley Road and associated ancillary works. All matters reserved with the exception of the means of access onto Pluckley Road.**

UPDATE 1: Consultation comment received from KCC Flood and Water Management.

Comments that the revised drainage strategy addresses the points raised within their previous consultation comments and therefore they remove their objection to the application. This would be subject to conditions, should planning permission be granted, requiring the submission of a detailed sustainable surface water drainage scheme for the site.

UPDATE 2: Consultation comment received from KCC Highways and Transportation.

Comments are summarised as follows:

1. The existing PROW needs improving as is currently unsuitable as an alternative pedestrian route.
2. The primary pedestrian link from the site to the village facilities and public transport links is inadequate and warrants refusal of the scheme.

3. The development would result in an over reliance on private car journeys.
4. KHS accept that traffic calming in the form of speed cushions would be effective however, they would likely introduce negative effects such as noise and vibration which could be a genuine concern given that this is a HGV route as well as a primary access route for Pluckley Quarry. Cushions will need to be lit and therefore additional street lighting would be required which could have an urbanising effect.
5. The development site – Land south of the Arthur Baker playing field was not included within the traffic survey statistics. This development which now has planning permission will impact upon junction capacity for the A20/High Street/Station Road.

KCC Highways therefore remains of the opinion that the proposal should be refused on highway safety and capacity grounds.

UPDATE 3: Consultation comment received from KCC Public Rights of Way and Access.

Comments as follows:

1. The development would affect two public rights of way which form part of the Charing Lost Landscapes promoted route.
2. KCC support the proposed creation of a footpath/cycleways within the site connecting to Charing and the surrounding countryside.
3. The help mitigate for the development KCC would seek that the section of footpath from the site to the north side of the railway line is improved. This should be secured through S106 funding. This would enable an upgraded footpath to cycle track.

UPDATE 4: Further objection comments have been received from Charing Parish Council. The comments relate to the following issues:

1. The impact of the new draft of the local plan and the housing pipeline - None of the other sites identified in the Local Plan would have the same adverse impact on the local road network because they are either small or would have direct access to the A20.
2. Transport issues – The applicants have failed to address the points concerning the shared driveway of the 3 houses directly opposite the proposed entrance to the site.
3. PROW – The PC would welcome the upgrading of the PROW however it would only be a logical route for the minority of the residents of the development.
4. The width of the footpath over the railway bridge remains a concern and crossing points are unsuitable.

5. Contributions towards a step free access to platform 1 of the station would be welcomed.
6. The PC fully agree with KHS that the proposal does not meet the requirements of the NPPF.
7. Traffic calming would be inappropriate, create tailbacks, noise and difficulties for emergency services.
8. The PC would wish to see further contributions towards new parking facilities for the village and additional community facilities.

UPDATE 5: 1 additional neighbour objection received from Mr C Burns. Comments relate to highway and pedestrian safety issues.

UPDATE 6: Include within table 1 of report a contribution towards the upgrade of PROW AW35 from footpath to cycle path with lighting.

UPDATE 7: Updated reason for refusal (following receipt of amended KHS comments –

1. The proposal would be contrary to Policies CS1, CS6, CS9, CS15 and CS18 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS2, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN9, EN10 and EN27 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU4, HOU5, ENV3, ENV5 and ENV13 of the Ashford Borough Local Plan 2030, and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance **and a form of unsustainable development, and this is not** considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:

Reasons a) – e) unchanged

Reason (f). Change to:

The development would be unsustainable in transport terms and harmful to pedestrian and highway safety due to

- i. The proposed development is unable to provide safe passage for pedestrians between the development site, Charing Village centre and bus stops, therefore the proposal would be detrimental to the safety of pedestrians.
- ii. Traffic from the development would worsen existing queuing on the Station Road arm of the A20 / Station Road / High Street junction. This in turn would exacerbate existing problems with a pinch point on Station Road and queuing traffic which leads to the footway being overrun by large vehicles. This would be to the detriment of highway and pedestrian safety.
- iii. The development site is located more than 400m from a bus stop served by a regular bus service which added to the poor pedestrian links would be a barrier to the use of sustainable transport to and from the development.

Reason g) – insert obligation xii) before the monitoring fee relating to improvement to public right of way AW35

- (b) **16/01090/AS - Land West of Shrubcote and South West of, Appledore Road, Tenterden Kent - Erection of four detached dwellings, with associated landscaping, provision of new accesses onto Shrubcote Road and Appledore Road with private parking, and provision of a sustainable drainage system, and other ancillary works**

1 additional letter of objection has been received raising the following:

- The land on which these dwellings are to be built on is of significant beauty to the area.
- The land was previously given permission to relocate and landscape the pond and grub out some apple trees, and plant replacement trees of various type.
- This pond was home to the Great Crested Newts (GCN) and a study would need to be carried out.

(Officer Response: There is no planning history relating to the relocation of the pond and ecological surveys have been undertaken which demonstrate that protected species would not be adversely impacted upon.)

- (c) **16/00751/AS - Breton Court, Grange Road, Tenterden, Kent TN30 6EE - Demolition of the west wing involving the loss of 3 bedrooms and the erection of a detached building and associated works to accommodate 24 bedrooms for use in conjunction with the existing care home**

None

- (d) **17/00548/AS - Eastwell Manor Hotel, Ashford, TN25 6HR - Removal of Mansion Cottage and the erection of a 28 bedroom annexe to provide additional hotel bedroom accommodation. Associated provision of additional parking and changes to the parking layout, along with landscaping, a fountain and installation of estate fencing along the driveway**

Up-dated comments from KCC Ecological Advice Service

We have reviewed the submitted ecological information and we advise sufficient information has been submitted to determine the planning application.

Bats

A bat emergence survey and mitigation strategy has been submitted as part of the planning application. The report has recorded a peak count of 1 common pipistrelle bats emerging from the building.

We are satisfied with the proposed mitigation strategy to carry out the following:

- Installation of 2 bat boxes on nearby trees
- Integration of 2 bat boxes in to the building
- 4 access slates in to the roof (using bitumen roofing felt)

We advise that the submitted mitigation is sufficient to enable ABC to consider the 3 tests and be satisfied that favourable conservation status of bats will be maintained if planning permission is granted.

We recommend that the following condition is included if planning permission is granted:

The mitigation methods as outlined in the Bat Mitigation Strategy Report; Native Ecology; July 2017 shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Birds

There is suitable habitat present within the proposed development which provides optimum habitat for breeding birds and the proposed development will result in the loss of this habitat.

Whilst we agree that a full breeding bird survey will not be necessary due to the size of the site, a precautionary mitigation methodology should be adhered to prevent any offences being committed. This can be included as an informative of any planning application and we suggest the following wording:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The proposed development is proposing to plant trees and hedgerows within the wider area and eventually this will provide breeding bird habitat. In addition we also recommend that bird boxes are erected within the development site if planning permission is granted (we recommend that this is addressed within the ecological enhancement plan).

Other Points

The surveys have highlighted that there is a potential for badgers and hedgehogs to be present within the site and recommended a precautionary mitigation to be implemented during construction – if planning permission is granted we advise that these recommendations are incorporated in to the construction management plan.

Enhancements

Paragraph 118 of the NPPF states “opportunities to incorporate biodiversity in and around developments should be encouraged” and we recommend ecological enhancements are incorporated into the development. The preliminary ecological appraisal has made some recommendations to incorporate enhancements into the site but no details have been provided confirming what enhancements will be implemented.

Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated into the site will be approved in writing by the Local Planning Authority.

Updated comment from Kent Highways

The reference to cycle parking in the recommended condition, should read vehicle parking.

Table 1

A cap of £40,000 to be added to the Carbon Off-Setting contribution in Table 1 following discussion with the applicant’s agent.

The following to be added to the end of Table 1:

Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.

Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council’s legal costs in connection with the deed must be paid.

If an acceptable deed is not completed within 3 months of the committee’s resolution, the application may be refused.

Clarification

A total of 5 trees are to be removed, two from the car park, and three from the site of the proposed annexe, together with a Leyland Cypress hedge.

Para 70 of the report - amend the required BREEAM rating from “Excellent” to “Good”.

Amended recommendation

In light of the above information from the KCC Ecological Advice Service, Recommendation (B) of the report is satisfied, subject to the following condition to replace condition 13 of the report:

1. The mitigation methods as outlined in the Bat Mitigation Strategy Report; Native Ecology; July 2017 submitted with the application shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the existing population of bats and to improve the habitat for bats on the site.

The following additional conditions and informative are also proposed:

2. Prior to the occupation of the development hereby approved, an ecological enhancement plan detailing what enhancements will be incorporated into the site will be approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

An indicative programme for carrying out the works

Measures to minimise the production of dust on the site(s)

Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)

Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)

Design and provision of site hoardings

Management of traffic visiting the site(s) including temporary parking or holding areas

Provision of off road parking for all site operatives

Measures to prevent the transfer of mud and extraneous material onto the public highway

Measures to manage the production of waste and to maximise the re-use of materials

Measures to minimise the potential for pollution of groundwater and surface water

The location and design of site office(s) and storage compounds

The location of temporary vehicle access points to the site(s) during the construction works

The arrangements for public consultation and liaison during the construction works

Precautionary mitigation measures during construction works in respect of badgers and hedgehogs, shall be carried out in accordance with the Preliminary Ecological Appraisal dated March 2017, submitted with the application.

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan and in the interests of the ecology of the site.

Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

(e) **17/00549/AS - Eastwell Manor Hotel, Ashford, TN25 6HR - Listed Building Consent for the removal of Mansion Cottage**

Clarification

The Amenity Societies that are statutory consultees for the demolition of listed buildings (and curtilage listed buildings) were consulted and no responses were received.

(f) **16/01512/AS - Land between Hinxhill Road and Hythe Road, Willesborough, Kent - Outline planning application with all matters reserved, except 'access' for a new link road to the rear of the William Harvey Hospital from the A20 and up to 207 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks**

Neighbour comment

- The agent on behalf of the adjoining site at Highmead has made comments in relation to the appeal.

- It is pointed out that the Highmead site has a recommendation to grant pp subject to an obligation agreement which includes an access link to this site from Highmead. The correct plans need to be shown to tie up the two sites.
- My clients are now negotiating the terms of the Section 106 Agreement for application 15/01550/AS. You will be aware of the need for this Agreement and any for the 'Bellway' land to set out terms that will preclude any form of 'ransom' on either party, in particular with the construction of the link to 'fit' both sides, and to run right to the boundary. My client has agreed that Bellway Homes, through your legal officer, can have a sight of the draft terms of his Agreement that will deal with this issue. We would expect such similar considerations in the terms of any planning obligation negotiated in respect of this appeal.

Response

The correct plans are provided. A unilateral undertaking is being provided with the appeal for this application. A condition is proposed to require the west –east access connection link to the Highmead to be provided to allow the Highmead site to access the signal controlled junction once in use.

(g) **17/00713/AS - Civic Centre and Stour Centre Car Park, Tannery Lane, Ashford, Kent - Construction of a taxi layby within the South Park Car Park, and replacement parking spaces to offset those removed for the new layby**

The following amendments to the wording of conditions are proposed

- Condition 2 needs a sentence requiring the 15 spaces to be retained available for use thereafter.
- Condition's 3, 4 and 5 all need a sentence requiring the details to be implemented as approved and thereafter retained (as proposed in condition 6).
- Condition 12 to be reworded as follows;
Any car park barriers, road signs, utility cabinets, benches or monitoring display equipment, no longer required for the operation of the taxi layby or extended car park area, shall be removed and the ground left in a tidy condition within 3 months of the items no longer being required, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the visual amenities of the local area.

(h) **17/00719/AS - 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 29, 32 and 34 Chester Avenue, Bethersden, Ashford, Kent, TN26 3BW - Recladding of existing external walls with rendered finish**

The following representation has been received since the report was written:

Bethersden Parish Council: "The Parish Council have received representations from residents and following these the Parish Council now wish to object to the application."

- (i) **17/00937/AS - Land rear of 12 to 16 Jubilee Field, Wittersham, Kent - Erection of 4 No. 3 bedroom semi-detached dwellings for local needs - Resubmission of application 15/00579/AS**

The following representations have been received since the report was written:

Wittersham Parish Council: Support the application.

Ramblers Association: Raise no objection.

Environmental Health: Raise no objection.