

## Planning Committee

Wednesday the 3<sup>rd</sup> July 2019 at 7.00pm

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### 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 5<sup>th</sup> June 2019,
  4. Changes to Delegations and Authorisations Granted by this Committee
  5. Requests for Deferral/Withdrawal
  6. Schedule of Applications
- (a) **17/01868/AS – Land rear of St Marys Church between Duxbury and Hill Side, Church Hill, High Halden - Outline application for the residential development of up to 26 dwellings. All matters reserved except for access into the site from Church Hill.**

Under section on Planning History add:

- An outline planning application for low density residential development was submitted on 13/7/73. It was refused by letter dated 23/11/73. The applicants appealed against this decision on 14/1/74 but there is no record of the final appeal decision (it is assumed it was dismissed).

At the start of Paragraph 35 the following should have been included:

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 (1) of the same Act sets out the general duties with respect to conservation areas. It states that

“...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Table 1 on Page 32 requires an addition Heads of Term relating to 5% of the dwellings being available for custom self-build is required.

Policies IMP1 and HOU6 need to be added into the deemed reason for refusal.

#### Additional representations

An additional **6 objections** have been received from neighbours since the committee report was published. These repeat matters already stated in the committee report and add the following:

- The suggestion that works are required to Church Hill even if the development does not go ahead is misleading as there are no plans for this / evidence that it is an accident black spot.
- There is no evidence to suggest that the village / school needs additional parking. The Memorial Hall has a new car park which opened in 2017.
- Increase traffic flows on A28
- Loss of agricultural land

- (b) **19/00340/AS – Land south and east of, Tilden Gill Road, Tenterden, Kent - Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to extant outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works (revision to planning application 18/00448/AS).**

#### Statement from the applicant's agent

The agent, Mr Anderson, e-mailed the Council at the wrong e-mail address and, as a result, missed the deadline to speak. It has been agreed with Member Services that his statement is attached to the Update Report. Please see Annex 1.

#### Ecology updates

- 1 additional letter of objection received 23 June 2019 from Mrs V Bance of the Shrubcote and Tilden Gill Residents' Group. This letter raises concerns about ecological issues related to bats and that the 2018 emergence survey results had not been made available by the applicant.
- Additional information has been submitted by the applicant which contains the results of the tree emergence bat surveys carried out in May and June 2018.
- Updated consultation response received from KCC 26 June 2019. The response advises that sufficient information has now been provided for the application to be able to be determined. Consequently, I am satisfied that the applicant's Ecological Management Plan is acceptable.

#### Delete Recommendation (A)

In the light of the resolution of ecological matters detailed above. Recommendation (B) revised to (A) as a consequence.

- (c) **19/00579/AS – Land on the North Side of Highfield Lane, Sevington, Kent - Approval of the appearance, landscaping, layout and scale of the 'Phase 1A works' being the works comprising the estate roads, the sustainable**

**drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space).**

Typo

There is a typo at paragraph 60 page 100. It is stated that the site is 44,292 Ha this should read 44.292 Ha.

Update on conditions

The following applications to discharge conditions have now been determined:

14/00906/CONB/AS Discharge of conditions: 47, 48 & 49. Details approved.

14/00906/COND/AS Discharge of conditions: 8, 9 & 30. Details approved.

14/00906/CONE/AS Discharge conditions 18, 19, 20, 22, 25. Details approved.

14/00906/CONF/AS Discharge of conditions: 40, 44 & 46. Details approved.

Responses to consultations on amended plans that ended on 28 June 2019

**KCC Public Rights Of Way & Access Service:** Raise no objection: confirm that the amended plans now overcome previous objections.

Comment that Public Footpaths AE337A, AE338, AE340, AE344 AE363 and AE639 would be directly affected by proposed development and note that the applicant has confirmed that PROWs which need to be extinguished / diverted and that these will be consulted on separately when the building plots within the site come forward through the submission of further applications.

**Highways England:** No objection.

**Environment Agency:** No response received.

**River Stour Inland Drainage Board (IDB):** Raise no objection but request clarification in respect of onward flows from the site. Agree that this matter can be dealt with by condition attached to the approval of reserved matters (see further below).

**Neighbours** - 1 additional objection has been received raising the matters below (with HoDMSS response given the points made that relate to the outline planning permission):

1. Access from Stour Park over the existing railway bridge on Cheeseman's Green Lane will remain unrestricted. At outline application stage the key access issues being discussed were access from Church Road onto the A2070/J10a and the closure of Highfield Lane.

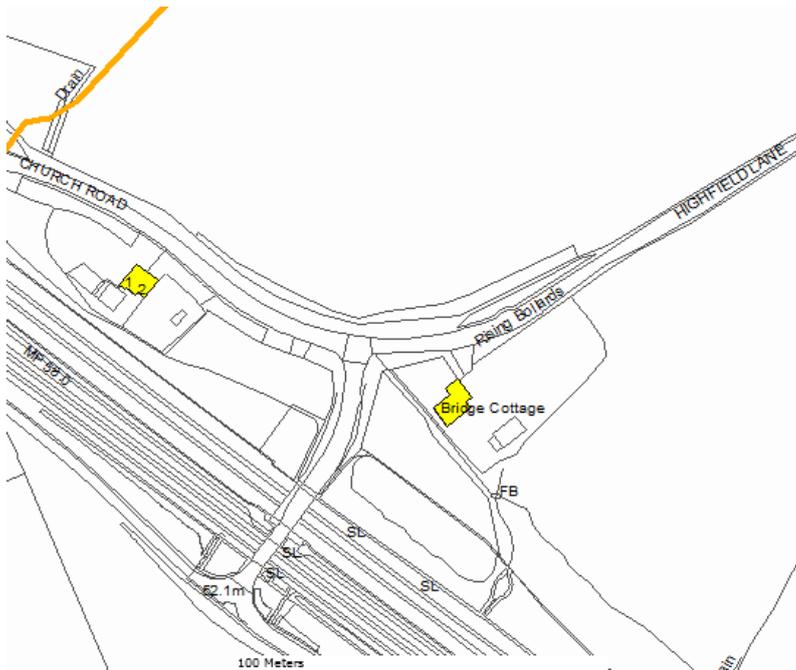
*(HoDMSS response: That is correct, the railway bridge is part of the local highway network and it was agreed, through the grant of outline planning permission, for it not to be restricted beyond the measures already in place)*

2. Local residents are unlikely to realise this fact as it has not been widely published and when reading the 'road markings sheets' submitted as part of this Reserved

Matters application the bollards just outside Bridge Cottage would need to be removed in order for this to become a through route.

3. No reference is made on the submitted material that these bollards are being removed.
4. The portion of road where these bollards are currently in situ is not within the site boundary. Therefore, many local residents could incorrectly believe that there is a no through route from Cheeseman's Green Lane.

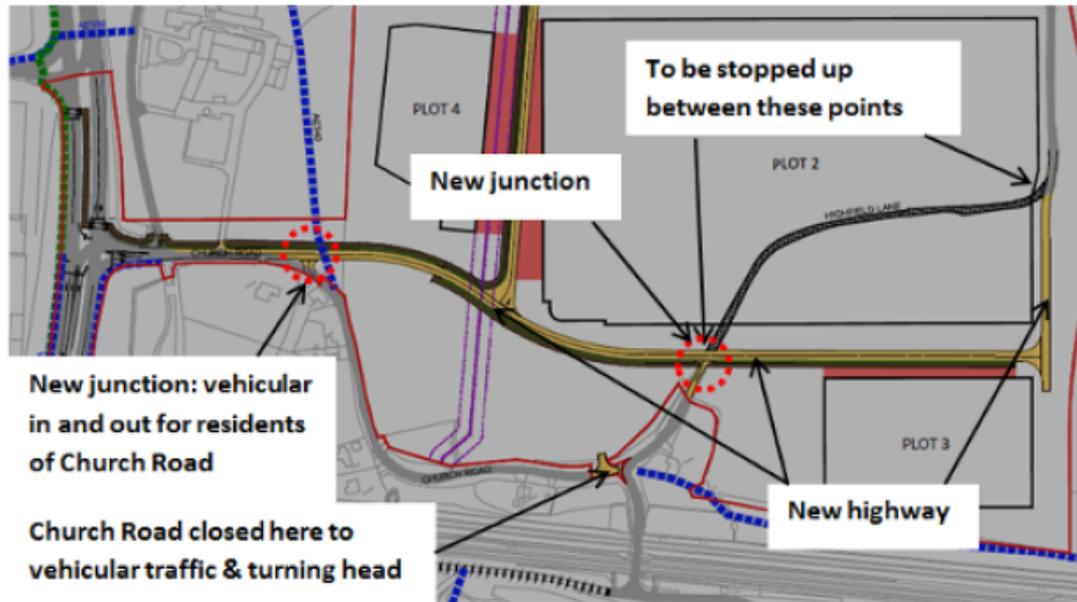
**(HoDMSS response items 2 - 4: Bridge Cottage is located on Highfield Lane the eastern side of the Cheeseman's Green Lane / Church Road / Highfield Lane junction as shown below.**



*The outline application was amended post submission with comprehensive stakeholder and resident consultation as a result.*

*The amended plans provided for (a) a short stretch of Highfield Lane to be retained and connected with a new junction to the internal estate road within the site, (b) a stretch of Highfield Lane to be stopped up as a result of it passing through a future building plot and (c) the remainder of Highfield Lane to be retained for pedestrians, cyclists and equestrian users but otherwise closed to vehicles via bollards at either end of the remaining element.*

*A turning facility was provided for at the end of Kingsford Street as part of the plans. This combination of measures achieves the locally desired vehicular disconnection of the development site from the local highway network into the village of Mersham. The graphic at para 126 of the Committee Report for the outline application (18 May 2016) is reproduced below and shows the southern part of the site.*



*The approved plans provide for the group of homes on the southern end of Church Road to no longer be on a through vehicular route. The Road would be closed to vehicular traffic at its southern end with the provision of a turning head for service vehicles.*

*Therefore, the residents of Church Road will be able to use the revised local highway network for access and egress to the nearby A2070. Without connection of the southern end of Highfield Lane to the new estate road within the development, local traffic would not be able to move through the new development and connect to the A2070.*

*The bollards in place at the southern end of Highfield Lane near to Bridge Cottage are a temporary measure by the highway authorities. They respond to the effective closure to through traffic along the Lane as a consequence of J10A works and the aforementioned end of Kingsford Street turning facility and associated bollards at that point.]*

5. With the clarification provided that the railway bridge and Cheeseman's Green Lane is a through road, giving the go-ahead to this Reserved Matters application without any restrictions in place to dissuade drivers to access the local rural road network means that local residents have fears that Cheeseman's Green Lane will soon become an outer ring road to Ashford just like Magpie Hall Road has already become.

**[HoDMSS:** Outline planning permission has been granted by the Council. It was considered by Highways England and KCC as being acceptable. The narrow rural nature of Cheeseman's Green Lane will be self-limiting in its capacity to function as a 'ring road'. The balance of measures agreed achieve a strong disconnection of the development site from the nearby village of Mersham whilst maintaining a reasonable connection between the local highway network and strategic highway network (and the benefits that accrue therefrom).

6. Cheeseman's Green Lane is already frequently used to provide connectivity to Bridgefield, Kingsnorth, Mersham and Aldington and beyond. It is very dangerous in places as two large cars cannot safely pass, and has a derestricted speed limit

which it is perfectly possible to achieve on stretches.

**[HoDMSS:** Safety and speed restrictions on the local highway network are matters for KCC.]

7. The length of internal road within the site layout which is located to the north of Bridge Cottage – as shown on sheet 2 of 5 of the road markings plans - which will connect Stour Park to Cheeseman's Green Lane needs to be amended. This internal road requires some traffic reduction measures incorporated into its design such as pinch points and narrowing or speed bumps. Without this, the road will remain an attractive alternative route in and out of Stour Park.

**[HoDMSS:** Subject to no adverse views from KCC, I agree that this appears to have merit as a refinement balancing both the positive and negative aspects of achieving connected environments. I propose to deal with this by means of a condition to be attached to the approval of reserved matters. When an application is received, given the circumstances of the case, it can be the subject of consultation with the Parish Council and local residents.]

8. There needs to be a clear traffic management plan in place for future occupiers of the site in order to restrict the flow of both employees and in particular delivery vehicles in/out of Stour Park so that they are prohibited from using Cheeseman's Green Lane.

Conditions to be attached to approval of reserved matters

Following the IDB's comments, it has been agreed with the IDB and the applicant that the following condition would be acceptable to give the clarification that has been requested and I propose that this is attached;-

*'Within 2 months of the date of this approval, the applicant shall clarify that the existing water network remains capable of accommodating the onward flows from the site as per the submitted drainage strategy. In the event that this is not the case, an updated drainage strategy shall be submitted to and approved by the local planning authority within an agreed time table. Any approved updated drainage strategy shall thereafter be implemented in accordance with a delivery programme that shall have been submitted to and approved in writing by the local planning authority.'*

*Reason: In order to ensure that the drainage strategy for the site is further clarified and is deliverable in an appropriate manner.'*

In respect of traffic reduction/traffic calming measures mentioned above, subject to no adverse comments from KCC, I propose that the following condition is attached;-

*'Prior to any works taking place to connect the existing southern end of Highfield Lane ('A') with the junction to the internal estate road ('B') hereby approved, a traffic reduction / traffic calming scheme for the carriageway between 'A' and 'B' shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a delivery timetable. Thereafter, the works comprising the scheme shall be carried out in accordance with the agreed timetable.'*

*Reason: To ensure that connectivity of the development with the surrounding local*

*road network is appropriate.'*

- (d) **19/00356/AS - Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR - Removal of condition 31 on planning permission 16/01387/AS restricting occupation.**

Clarification

Figure 6 and paragraph 9 should reference the revised parking layout plan, which is updated on the Powerpoint (slide 2 – Site Layout) with a total number of 60 car parking spaces. The proposed development would comply with Local Plan policy TRA3b.

A representative of Westwell Parish Council may not be able to attend the meeting to speak. This being the case the statement below is set

**Statement to the Planning Committee on July 3<sup>rd</sup> 2019**

- Westwell Parish Council has a no objection to Vatre Terracotta moving its business from the centre of Ashford out onto this site. It is a well-designed contained operation and a growing business employing people in the borough.
- But we know that Ashford and Vatre Terracotta realise this is an exceptional situation. This is a site in the open countryside, in the setting of the AONB, and is not an employment “zone” in the context of the Local Plan.
- This exceptional situation should be reflected in some way in the permission.
- We fully understand that the Condition 31 is impractical and ineffective and should be lifted. We do therefore support this application to remove condition 31.
- But we would like to suggest that this committee request some reference in the decision to the scale of the operation. It should be enough to allow Vatre Terracotta to expand but should require a further application if another occupant of the site in the future wanted to operate a multiple tenant B8 business park on the site or another single operator wanted to increase the number and turnover of vehicles significantly above that referenced in the traffic assessment for this application.
- We know this stretch of the A20 ticks a lot of boxes for B8: in the channel corridor, close to junction 9. But it is also rural and in the setting of the AONB, which is why this is an exceptional location that needs care and attention now and in the future.
- It is a sensitive site by its location in the countryside and also in terms of the neighbours: there is a hotel opposite and a meditation centre immediately adjacent.

- If any other occupant than Vatre Terracotta were to use it, their operation would need to be suitable to the site circumstances. Hours of operation, lighting, landscaping and neighbour protection are already conditioned.
- A condition on the number of vehicles to reflect the transport assessment and provide sensible flexibility for Vatre Terracotta would be a helpful reassurance to Westwell Parish if the committee are minded to approve this application. Thank You.

- (e) **19/00516/AS - The Poplars, Kingsnorth Road, Ashford, Kent - Demolition of existing flats at 1 to 14 The Poplars & terrace of 3 houses at 5, 7 & 9 Beaver Lane. Redevelopment of site to provide a sheltered housing scheme of 31 apartments (15 x 1 bed, 16 x 2 bed) for affordable rent & associated parking.**

### **Request for Deferral**

#### Statement from Development Partnership Manager

‘Housing Services would please like to defer the application for The Poplars. This is based on detailed assessments at county-level for the provision of extra care accommodation in our borough for older persons, together with our awareness of extra care and independent living homes either delivered or in the pipeline.

We therefore want to consider the possibility of changing the proposed accommodation at The Poplars to more general needs and will come back to you once we have analysed the situation further.’

- (f) **19/00473/AS - Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR - Removal of restrictive time condition on planning permission 13/00900/AS to allow 24 hours per day 7 days per week operation for the gate at position A located to the south of Morghew Park House.**

Replacement condition is proposed in the event that gate B is reinstated:

“In the event that gate B is reinstated under planning permission 13/00900/AS then both gates A & B shall be kept open at all times between the hours of 0700 and 1730 on any day”

**Reason:** In the interests of ensuring the free flow of traffic to ensure no harm to the residential amenity of occupants or the running of businesses associated with the estate.

### **Annex 1**

‘Good evening Councillors and thank you for the opportunity to speak before you. My client, Redrow Homes, seeks to bring to your community 100 much needed dwellings, affordable and private.

With outline planning permission having been granted in 2016, the principle of development has been established and this evening we seek your approval for the reserved matters concerning design and layout, parking, landscaping and open space.

Since our first meeting with your officers in October 2017 we have strived to ensure that their views on matters such as detailed design, ecology and landscaping were met, indeed this resulted in the application being brought before you for consideration in December 2018 with a recommendation for approval.

At that December meeting you deferred the application requesting that Redrow amend the layout to ensure that particular development plots were re-sited to allow for increased landscape buffers to be formed. With this in mind and after further detailed discussions with your officers our amended plans were submitted and brought before you in January 2019, again with a recommendation for approval.

At that meeting you deferred the application, requesting that my client examine other specific development plots to allow for a wider western landscape buffer to be created and consider relocating the flats.

Following that January deferral, Redrow elected to revisit the matters of concern in their entirety. Revised plans were drawn up and a new application was submitted addressing all those concerns and issues.

Building upon the engagement of the preceding year, we have undertaken significant and detailed further engagement with Tenterden Town Council and with local Tenterden residents in particular, as well as with your officers. We now feel we have addressed all those issues previously raised. The plans in front of you are the culmination of that effort.

The presenting officer will run through the changes made to the design and layout, in summary, there are three key aspects:

- Firstly, 2 of the flat blocks have been relocated away from the boundary with the adjacent AONB
- Secondly, the height of 3 of the flat blocks has been reduced to 2.5 storeys
- Thirdly, the buffer strip between the development and the Belgar Farm buildings has been widened with no buildings now proposed within it

For almost two years, Redrow has engaged with local residents, councillors and other interested parties. It has worked positively and constructively with your officers. We have listened to concerns and repeatedly tried to address them as practically and positively as possible. On three occasions your officers have recommended the proposal be approved.

The plans before you go above and beyond resolving those reasons for previous deferrals, in order to ensure that the proposal is the best possible. We trust you find our application acceptable and follow the officer's recommendation and do approve.

Thank you again for this opportunity to speak before you.'

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