

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **31<sup>st</sup> July 2019**.

### Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Cllrs. Bartlett, Chilton, Clarkson (ex officio), Clokie, Forest, Harman, Howard-Smith, Krause, Mulholland, Ovenden, Shorter, Smith, Spain, Sparks, Ward and Wright.

In accordance with Procedure Rule 9.3, Cllrs. Bartlett and Mulholland attended as Substitute Members for Cllrs. Heyes and Howard.

### Apologies:

Cllrs. Heyes, Howard.

### Also Present:

Cllrs. Bell, Iliffe, Ledger.

Joint Development Control Manager; Head of Development Management & Strategic Sites; Senior Planning Officer; Senior Planning Officer; Principal Senior Planner; Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 103 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he was a Member of KCC who had commented on a number of items on the agenda.	106 – 18/00644/AS 18/01454/AS 17/00388/AS 19/00516/AS 18/01842/AS 18/01801/AS
Bell	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Mrs Blanford	Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection Society.	

Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Clokie	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Harman	Made a Voluntary announcement as she was a Member of the Campaign to Protect Rural England.	106 – 18/00644/AS
Sparks	Declared that he was formerly a Member of Orlestone Parish Council and in this capacity he had been involved in many meetings relating to the application and had expressed his opinion on the application. He would speak on the application as a Ward Member and would not vote on the item.	106 – 18/00644/AS
Joint Development Control Manager	Declared that due to personal circumstances, she would leave the Chamber for the consideration of the item.	106 – 19/00516/AS

## **104 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 3<sup>rd</sup> July 2019 be approved and confirmed as a correct record.**

## **105 Changes to Delegations and Authorisations Granted by this Committee**

The Joint Development Control Manager drew Members attention to the Update Report and an amendment to all reports on the agenda.

## **106 Schedule of Applications**

**Resolved:**

**That following consideration of (a), (b) and (c) below,**

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

**decisions be made in respect of Planning Applications as follows: -**

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<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
<b>Grid Reference</b>	02823/455078
<b>Ward</b>	Kennington
<b>Application Description</b>	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
<b>Applicant</b>	Ashford Hockey Club
<b>Agent</b>	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	2.98ha

The Joint Development Control Manager drew Members' attention to the Update Report and the amendments to the report at paragraph 11.

In accordance with Procedure Rule 9.3, Mr Street, a local resident, spoke in objection to the application. This was the third time he had appeared before the Planning Committee to explain why residents were so opposed to the plans. The proposals had been overwhelmingly rejected by two previous Planning Committees and there had been no material changes to them since they were first submitted. National planning policy stated that playing fields should not be developed for housing. Sport England did not support the plans, but had chosen not to object. There were unintended consequences to any decision made at the meeting. If the plans were approved, a dangerous precedent would be set as developers would be given a green light to target other playing fields in the area, which was already short of sports facilities. The application was about raising money to pay for a new astro-turf pitch and Club improvements, which was a small investment of £200,000. Despite Officers' assertions to the contrary, this was enabling development. Mr Street queried the reluctance to call it enabling development. It referred to proposals which would be unacceptable in planning terms, but for the fact that it would bring public benefits to justify it being carried out. This was a private club, so only private members would benefit. It was also a non-heritage site, so it would only be used to bail out the organisation financially, which was not allowed. It was clear that the Club could raise £200,000 by other means. Mr Street cited Boughton and Eastwell Cricket Club, which was raising a substantially greater sum purely through fund-raising. In 2011 Ashford Hockey Club told residents they would not develop the site, not put housing on it and work with residents to fund-raise. Mr Street questioned why Planning Officers did not create a formal condition to ensure that any

development on the site was restricted to just nine houses. There was little doubt that the Club would seek to build up to 50 houses on their pitches as soon as the green light was given. Kennington Junior Football Club looked increasingly like a pawn in the efforts to put housing on this site. The lease had a twelve-month break clause, so could be finished at any time. The replacement pitches were 400m from the Club, there were no changing rooms or toilets and no access for emergency services. It was also in a flood zone, so this was a bad deal for the footballers. Mr Street asked Members to reject this application.

In accordance with Procedure Rule 9.3, Mr Lightfoot, on behalf of the applicant, spoke in support of the application. This was one of the most popular sports facilities in the Borough, after the Stour Centre and Julie Rose Stadium. Each week approximately 1,000 people, including 600 boys and girls, played sport at Ball Lane. It was also used by four local schools each week. Officers had prepared a thorough report and recommended approval. The application was policy compliant and met the requirements of HOU5. The houses were located in the best position and Highways had improved the access for the new houses. Officers had shown why it was not possible to relocate the main entrance to the site from Ball Lane to Canterbury Road. They had reviewed reports from an expert agronomist and a sports ground contractor and confirmed that the two new football pitches could be built to higher standards than the single pitch that was being lost to housing, therefore meeting the requirements of Sport England. Kennington Juniors had also confirmed their support for the plans and were excited at the prospect of more and higher quality football pitches. Although this was not an enabling application, it brought huge benefits to the Club, Kennington and the wider Ashford community. The astro-turf was worn out, and a new tear had appeared recently. Experts expected this to be the last season that hockey could be played on the pitch before it had to be closed on safety grounds. A new pitch would cost well over £220,000. The Club did not have this money, despite generating around £15,000 per year from fund-raising and grant applications and members already paid amongst the highest fees in the county. The Club only had £8,000 in the bank and could not afford to replace the pitch. The Council's sport and leisure team had confirmed that grant funding on this scale was not available. The future of hockey and football at Ball Lane was therefore seriously threatened. This application could change that. The money from the housing land would be used to replace the astro-turf. It would also provide the funding to construct and provide drainage to the two new football pitches and to refurbish the ageing clubhouse. Additionally, it would fund a small extension to the clubhouse to cater for female changing rooms, which were currently unavailable. This would leave the Club free from the burden of interest payments and capital repayments on the loan for the astro-turf. The Club could become self-financing, and able to replace the pitch every twelve years. The Officer's report referred to the updated accounts and the 50-year cash-flow forecast prepared since the March Committee meeting. This application was an opportunity to secure and enhance a sports provision within the Borough and provide a facility that all could be proud of. This was important for the physical health and mental well-being of the community, and especially young people and generations to come.

The Ward Member attended and spoke in objection to the application.

**Resolved:****Refuse**

The proposal is contrary to policies SP1, SP6, HOU5, ENV3a, ENV6 and COM2 of the Ashford Local Plan 2030 (February 2019) and Central Government guidance contained in the National Planning Policy Framework (February 2019) and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed dwellings by virtue of their location and land use, outside of the built confines of any identified settlement in the Development Plan, with no overriding justification having been submitted, would give rise to unsustainable new homes in the countryside which would result in the over reliance on the private motor car to access everyday shops and services, contrary to the core principles of the Local Plan and the NPPF which seek to promote sustainable development in rural areas and avoid isolated new homes in the countryside.
2. The proposed dwellings would be located on land currently used for sports pitches to serve the hockey club. The loss of such a community facility and replacement with pitches that are not of an equal or improved standard, due to the potential flooding of the site, would result in a shortfall of community facility provision to the detriment of the amenity of the area.

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<b>Application Number</b>	18/000644/AS
<b>Location</b>	Land to the north of St Mary's Close and east of Ashford Road, Hamstreet, Kent TN26 2DX
<b>Grid Reference</b>	00129/34042
<b>Parish Council</b>	Orlestone
<b>Ward</b>	Weald South
<b>Application Description</b>	Outline application to consider the access from Ashford Road only and the construction of up to 80 new homes, an up to 60 bed care home, approx. 60 car parking spaces adjacent to Ashford Road, SuDS, wetland and associated education centre/events space, pedestrian and cycle linkages, associated open space and football pitch and covered shelter, drainage infrastructure and new landscaping.

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**Applicant** Hallam Land Management Ltd, 3<sup>rd</sup> Floor, Portland Place, London W1B 1QH

Mr Owen Jones, LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 8LJ

**Agent** 8.8 hectares

**Site Area**

(a) 53/37R/1S	(b) Orlestone - R  Warehorne - R	(c) KH&T – X; KCC BIO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; KCCDC – X; KCC Heritage - X; NHS – X; KWT – X, EP – X; SSoS – X; Kent Police – X; EA – X; NE – X; NWR – X; KCC PROW – X; ABC Housing – X; SE – X; FC – X; WT – R; Ramblers -; CPRE - X
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The Joint Development Control Manager drew Members' attention to the Update Report and the additional representations which had been received.

In accordance with Procedure Rule 9.3, Mr White, a local resident, spoke in objection to the application. His objections to the proposal were both personal and supported by a significant majority of Hamstreet residents. His objections were based on five major points. The proposal represented a considerable northern extension to the village envelope. Previous development under HAM1 planning policy required transition from the buildings northwards to the countryside. This large development would be even further north, thus negating the previous planning requirement. It would turn 8.8ha of attractive countryside into a modern housing estate, on the gateway to the village which itself contained a Conservation Area. This would be a massive incursion into the surrounding countryside. Use of the proposed car park during school time would pose a significant increased risk of harm to school children. Ashford Road was a notorious black spot with parents parking along its full length. Because of the lack of sight lines along this length of road, there were twice-daily traffic blockages and scratches and scrapes to vehicles. To traverse the route, with traffic only entering from the north and south, was bad enough. With the addition of traffic entering and leaving this development via a single access route, directly opposite the school gates, it was an accident just waiting to happen. The local infrastructure was unable to cope with such a large development. A recently deferred planning application for a much smaller development in Warehorne Road had revealed that Southern Water had no capacity to take the foul sewerage from that development, let alone one approaching three

times larger. Also, the local doctors' surgery was already under extreme pressure. In addition, there was flooding risk. At times of heavy rain parts of the lower village suffered flooding due to inadequate drainage gulleys and capacity issues. This development, which was at a higher altitude, would drain into the same system and would exacerbate the problem. It was likely that this would give rise to flooding of the lower village, as already experienced in 2001, 2010 and 2012. In the last 20 years the village had increased by more than 100 dwellings, which was an increase of around 25%. Hamstreet was a typical Kentish rural village, occupied by residents who were raised locally or those who had moved into the area to enjoy the rural environment. It was time to stop the overdevelopment of the village.

In accordance with Procedure Rule 9.3, Ms McKeown, the applicant, spoke in support of the application. The special village character was recognised by the applicant and it was important to deliver a scheme that was not just about housing. The proposals had evolved over a long period of time and through a series of consultation processes. The site was allocated in the Local Plan, and the applicant had sought to reflect the policy and criteria within that Plan. During the Local Plan Examination the scheme had been amended to allow for a 30m buffer against the ancient woodland, rather than the previously proposed 15m. The applicant had worked with the development control team, statutory undertakers and Kent County Council to produce a scheme that had no technical objections, as well as working with Hamstreet Academy and agreed a package of measures to deliver positive benefits for the Academy. The scheme was for 80 new homes, 40% of which would be Affordable, together with a 60-bed care home, a highways scheme to slow traffic on entry to Hamstreet, a pelican crossing, new purpose-built car parks for staff and parents, a new junior football pitch, a new wetland area, a new woodland classroom and equipped local play areas. The applicant had interrogated the technical concerns. In terms of sewerage capacity, the problem lay with the pipes between the site and the pumping station. There was capacity at the waste water treatment plant. The pipes were due to be replaced and upgraded. The proposed SUDS system would control the rate of run off, resulting in 69% reduction in existing peak greenfield rates. In addition, allowances had been made for climate change. The traffic survey work was robust and comprehensive. Cumulative impact had been allowed for.

In accordance with Procedure Rule 9.3, Mr Othen, on behalf of Orlestone Parish Council, spoke in objection to the application. The Borough Council had conducted a Parish poll in February 2018. An overwhelming majority of local residents had shared their concerns regarding the consequences of this development. The vote showed that there were 406 objectors to the proposals and only 36 supporters. This was not the first time the land had been suggested for planning. The conclusion reached in 2010 was that the site was not considered suitable for development as it would change the key entrance to the village significantly. The site was greenfield land that was close to protected woodland. The Parish Council did not see the requirement for an additional football pitch in the village as there were already two pitches catering for all ages. These included modern changing facilities recently constructed, which were available for the primary Academy to use. This was more than adequate provision for a village of 650 properties and 1,500 residents. There had been no calls for such additional facilities, and this aspect of the application was unnecessary and opportunistic. With regard to the S106 provision, the NPPF



suggested that parishes affected by development should share in the S106 benefits, or alternative arrangements. Hamstreet village was in need of a new village hall and would be unable to fund this if major developments in the village did not include them in financial payments. Currently, the Academy seemed to be the only potential beneficiary, despite the fact that the Academy was an educational business responsible for its own finances. The proposal for the elderly persons' home replicated the existing provision at Cotton Hill House in Hamstreet. It would also place a further burden on the local doctors' surgery. Mr Othen drew Members' attention to the specialist background paper, which pointed to significant concerns over potential drainage issues and flooding. The paper raised highly significant concerns over the potential of the development to cause off-site flooding in the lower parts of the village, and also the poor capacity of the facilities to cope with the additional sewerage generated by the proposed development. However, the main concern was the effect the proposed development would have on the character and appearance of the area, including its effect on the local landscape and rural setting of the village of Hamstreet. The Parish Council was extremely concerned that, based on the evidence of the landscape architect, there would be a harmful impact on a valued landscape, to the character of this entrance to the village and to its countryside setting. The proposals were not consistent with national policy, which recognised the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF required that the planning system contributed to and enhanced the natural and local environment by protecting and enhancing valued landscapes.

One of the Ward Members attended and spoke in objection to the application.

**Resolved:**

**Defer**

Consideration to be given to having 2 accesses to the development in the form of an in-out arrangement;

Consideration to be given to the location of the football pitch within the site;

Parking restrictions put in place on the main Ashford Road to prevent commuters using this area for parking;

Consideration to be given to the S106 contributions in relation to provision within the parish itself.

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<b>Application Number</b>	18/01454/AS
<b>Location</b>	Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA
<b>Grid Reference</b>	08854/39818
<b>Parish Council</b>	Smeeth

<b>Ward</b>	Bircholt		
<b>Application Description</b>	Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.		
<b>Applicant</b>	Mr Kicks, The Barn, Greenacres, Pound Lane, Smeeth, Ashford, Kent, TN25 6RJ		
<b>Agent</b>	Mr M Ashenden-Bax, Pickering Moor Farm, Stape, Pickering, Yorkshire, YO18 8HZ		
<b>Site Area</b>	0.29 ha		
	(a) 69/12R, 1+, 15/S	(b) R, (Adj.)R	(c) KHS/X, EHM/, KCC Bio/X, Drainage/X, Refuse/X
	(a) 69/8R, 2/+, 2/S	(b) X, (Adj.)X	(c) KHS/X, EHM/X, KCC Bio/X, Drainage/X, Refuse/-

The Joint Development Control Manager drew Members' attention to the Update Report. There was an amendment to the report and an additional representation.

In accordance with Procedure Rule 9.3, Mr Kimpton, a local resident, spoke in objection to the application. He appreciated that there was a requirement from the NPPF to work with applicants and that local planning authorities should approach decisions on developments in a positive way. However, the NPPF did attach a caveat that required the proposed development to improve the economic, social and environmental conditions for the area. These were the three dimensions that the NPPF used collectively to define a sustainable development. Given the location of this development, in a rural area, on the outskirts of the village, it was essential that it should not just be slipped through under the justification of a positive approach to securing developments as required by the NPPF. It should also not just be judged on the basis of its appearance by comparison with the old garage building or just by comparison with other hypothetical uses the site could be put to. Both of these appeared to have been given undue weight in the report. The two specific policies from the Borough Council's Local Plan 2030, which were directly relevant to this application, were HOU3a and HOU5, in respect of residential windfall developments both within and adjoining the existing built-up confines of the settlement. The Andrews Garage site was both partially within and partially adjoining the built-up confines as defined in 6.51 of the Local Plan and recently approved in map form by the Borough Council. This development did not comply with either of these policies and could not be considered as sustainable. Mr Kimpton had submitted written evidence to substantiate this, which was contained in an annex to the Update Report. The local neighbours to the site did want to see the old garage building removed and replaced by dwellings that were in keeping with the character, scale and layout of the existing built settlement along the plain. The plain was

characterised by individual dwellings of differing designs and finishes, predominantly bungalows in a ribbon development layout parallel to the road with no back land development. The planned enclave, consisting of three rows of two storey dwellings, all of the same type, were not individual in design or finishing materials. The enclave would not complement the existing settlement in any way. In fact, it would be a blot on the landscape of the plain. The written evidence document gave substance to objections and also offered two positive and proactive ways of moving this development forward in a way that removed the concerns of the neighbours and brought it in line with the requirements of HOU3a and HOU5. This development should be looked on as an opportunity to remove the redundant Andrews Garage building and replace it with dwellings which were in keeping with the character, scale and layout of the existing built settlement. Mr Kimpton requested that Members reject the application in its current form or at least defer to allow time for the written evidence document to be considered fully.

**Resolved:**

**Defer**

Reconsideration of both the design and layout of the development.

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<b>Application Number</b>	17/00388/AS
<b>Location</b>	Land rear of 2 to 16 Longsfield off, Quarry Wood, Aldington, Kent
<b>Grid Reference</b>	06138 36862
<b>Parish Council</b>	Aldington
<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Erection of 4 dwellings.
<b>Applicant</b>	Mr T Fuller c/o Agent
<b>Agent</b>	Mr Ian Barber, Ian Barber Associates, Unit 33a, Joseph Wilson Industrial Estate, Millstrood Road, Whitstable, Kent, CT5 3PS
<b>Site Area</b>	0.13 hectares

1<sup>st</sup> Consultation

- |               |                                |  |
|---------------|--------------------------------|--|
| (a) 29 / 25 R | (b) Aldington Parish Council R | (c) KH&T X, POS (Drainage) R, KCC (Heritage) -, KCC PROW X, KCC Ecology X, Ramblers -, EMS X |
|---------------|--------------------------------|--|

2<sup>nd</sup> Consultation

- |              |                                |  |
|--------------|--------------------------------|--|
| (a) 31 / 2 R | (b) Aldington Parish Council R | (c) KH&T X, POS (Drainage) -, KCC (Heritage) -, KCC PROW X, KCC Ecology X, Ramblers -, EMS X |
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3<sup>rd</sup> Consultation

- |              |                                |  |
|--------------|--------------------------------|--|
| (a) 31 / 4 R | (b) Aldington Parish Council R | (c) KH&T X, POS (Drainage) -, KCC (Heritage) -, KCC PROW X, KCC Ecology -, Ramblers -, EMS - |
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4<sup>th</sup> Consultation

- |              |       |   |
|--------------|-------|---|
| (a) 31 / 6 R | (b) - | (c) ABC Housing X, ABC (Culture) X, KCC Developer Contributions X, NHS - , POS (Drainage) X |
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The Joint Development Control Manager drew Members' attention to the Update Report. There were amendments to the Officer's report and an additional consultation response. There were also a number of additional representations.

In accordance with Procedure Rule 9.3, Mrs Headley, a local resident, spoke in objection to the application. It was accepted that the site was part of ALD1. However, the plans showed inaccurate entrance and ownership of the access. Where the entrance was proposed, the land was used for parking for the residents of Quarry Wood, Longsfield, Wheatfield and Flagstone Hollow. Pictures currently being displayed did not show any cars at all which was a little disingenuous. By allowing the application, it would be of detriment to the many current residents. When a previous developer had built housing in the area, it was agreed that no vehicle access would be via Quarry Wood and Longsfield and so the development would be landlocked. The verge was owned by local residents. With the proposed properties being so close to the rear of the properties of Longsfield, they would overlook windows, bedrooms, bathrooms and gardens. This would lead to a loss of privacy to the current residents. The development was overbearing and would prevent natural light and sunlight in the gardens, especially at the rear of Longsfield. There was a Public Right of Way which passed through the site. There had only been token

consultation with residents of Quarry Wood and none with the residents of Longsfield. The proposals would deprive existing residents of street parking, add to the already congested area of the village and reduce privacy. The cumulative effect of the development would have a detrimental effect, given that this small piece of land was the only open space within this area of cramped development.

In accordance with Procedure Rule 9.3, Mr Fowler, on behalf of Aldington & Bonnington Parish Council, spoke in objection to the application. The Parish Council had considered this application on more than one occasion and were unanimous in their decision to object to the proposed development in its current form. This application made reference to the fact that the site was included in the allocation in the Tenterden & Rural Sites Development Plan as part of ALD1. The largest part of the site had been developed with 41 dwellings. ALD1 allocation quoted 40 dwellings with no vehicle access to or from Quarry Wood. This application failed to meet the requirements of policy HOU3a. The proposed design and layout of the site was incompatible with nearby properties. It was inappropriate and over-dense within the immediate area. There was no turning head at Plot 3. This could result in vehicles being unable to enter and exit in a forward direction. The parking proposed for Plots 1 and 2 was direct from Quarry Wood. This would result in the loss of existing on-street parking, which was already heavily utilised. There was a Public Right of Way. Although there was a proposed re-routing of this, it was shown to be across the driveways of Plots 1 and 2 of the proposed dwellings and was likely to be blocked by parked vehicles. There was no provision for visitor parking. This would result in the need for additional on-street parking in an already congested area. The design of the proposed development would cause a loss of privacy for the properties in Longsfield and Wheatfields, both of which would be overlooked. The additional dwellings would increase the dangers present and it was already difficult for emergency vehicles to gain ready access to properties in the road due to existing parking. The Parish Council argued that the site could not be deemed as sustainable. It was already known that the infrastructure was insufficient or lacking in terms of waste water, telephony, e-communications, public transport and mains gas supply. The proposal would add to those existing problems. The Parish Council was of the opinion that this proposed development breached previous and existing Ashford planning policies. It was of a design and level of density inappropriate to the immediate surroundings. It would add to parking issues in an already crowded area and would cause a loss of amenity to existing local residents. Access to the site could not be achieved, as it was currently owned by residents of Quarry Wood. Therefore, it would be a landlocked site.

**Resolved:**

**Refuse**

The proposal is contrary to policies SP1, SP6, HOU1, HOU3a, HOU15, ENV3a, COM1, COM2, IMP1 and IMP2 of the Ashford Local Plan 2030 (February 2019), the Affordable Housing SPD, Public Green Spaces and Water Environment SPD and Central Government guidance contained in the National Planning Policy Framework (February 2019) and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

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1. The proposed development by reason of its density, would represent an overdevelopment of the site. This would introduce a poor relationship with adjacent properties to the south at Longfield, in relation to adverse overlooking and overbearing development upon private rear gardens resulting in a loss of privacy to the detriment of the residential amenity of the occupiers of these dwellings. In turn, the form of development would fail to respond to the character of development immediately surrounding the site and therefore would not preserve or enhance the setting of the adjoining settlement to the detriment of the visual amenity of the locality,
2. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations
  - Affordable housing
  - Play space
  - Works to Aldington Village Hall
  - Deferred payments mechanism
  - monitoring fee for the performance of the necessary obligations

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<b>Application Number</b>	19/00516/AS
<b>Location</b>	The Poplars, Kingsnorth Road, Ashford, Kent,
<b>Grid Reference</b>	00445 41328
<b>Parish Council</b>	None
<b>Ward</b>	Norman (Ashford)
<b>Application Description</b>	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
<b>Applicant</b>	Head of Housing. Ashford Borough Council, Ashford Borough Council
<b>Agent</b>	Ashford Borough Council
<b>Site Area</b>	0.43 hectares

- (a) 60/1R                      (b)                                      (c) HM X, EHM (EP) X, SSOT X, EA X, ES (contracts) X, KCC (DCU), KCC Ecology X, KCC drainage X, KHS X, GAS X, SAC X, SW X, UK power X

The Joint Development Control Manager vacated the Chamber prior to the consideration of this application.

The Senior Planning Officer drew Members' attention to the Update Report. There was a summary of findings and recommendations from the bat emergence and return survey.

**Resolved:**

- (A) Subject to the completion and submission of the bat survey to Ashford Borough Council for approval and to the Head of Development Management & Strategic Sites approving it as satisfactory after consultation with KCC Ecological Advice service (and if required Natural England) with no fundamental objection being raised by consultees that the proposals cannot be approved whether subject to appropriate conditions or not**
- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, (and any section 278 agreement so required), in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management & Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1	Specialist Affordable Housing  The flats shall only be occupied by people aged	None	None

	50 years or older and (where relevant) any spouses/partners/children/carers, and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are affordable. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats and onsite manager provision shall be managed by a registered provider of social housing or other body approved by the Council.		
2	Libraries contribution towards additional bookstock for Ashford library for new borrowers generated by this development.	£48.02 per additional dwelling  Total £672.22	Upon occupation of 75% of the dwellings
3	Accessible and Adaptable Dwellings          Wheelchair User Dwellings	Dwellings within the development comprising the six (G1 G2 G3 G4 G5 and G7) properties to be built in compliance with building regulations Part M4 (2) as a minimum standard as shown on drawing POPL01-003 B  Dwellings within the development	Prior to first occupation of any dwelling comprised within the Development          Prior to the first occupation of any dwelling comprised within the Development



		comprising the two (G6 and G10) properties to be built in compliance with building regulations Part M4 (3B) as shown on drawing POPL01-003 B.	
4	Monitoring Fee  Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.	£1,000 one-off payment	First payment upon commencement of development.

### (C) Permit

**Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement**

1. Standard Time condition of 3 years.
2. Material submission

#### **Construction conditions**

3. Code of construction practice
4. Construction hours restriction

#### **Highways**

5. Completion access details
6. Use of bound surface first 5 meters of access
7. Measures to prevent the discharge of surface water onto the highway
8. Vehicle loading/unloading and turning facilities retained.

9. Vehicle parking space shall be provided and retained

10 EV charging parking points.

11. Submission of bicycle storage facilities

### **Contamination**

12. Details of investigative works submitted in respect of soil contamination

13. Unexpected contamination

### **Drainage**

14. Submission foul water sewerage disposal details

15. Submission sustainable surface water drainage scheme details

16. Submission Verification Report pertaining to the surface water drainage system,

### **Trees and landscaping**

17. Tree protection

18. Submission of Arboricultural Method Statement

19. Submission of hard and soft landscape scheme

20. Details of soft landscape works

21. Submission of landscape management plan

### **Sustainable design**

22. Water use of dwelling no more than 110 litres per person per day.

### **Ecology**

23. Submission scheme for the enhancement of biodiversity

### **Opening requirements/ restrictions**

24. Obscure glazing fro side NW window

25. PD Restriction opening NW elevation

### **Noise**

26. Glazing and ventilation

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## **Approved plans / monitoring**

27. List drawing approved

28. Monitoring

Informative

The Applicant is to explore the use of construction materials to make the building carbon neutral including the installation of solar panels and the use of recycled grey water.

## **Notes to Applicant**

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded to our initial contact, the applicant/ agent responded by submitting amended plans/information, which were found to be acceptable and permission was granted.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Section106

3. Highway works

4. Highway approvals

5. Environment Agency consents

6. Contact Southern Water
  7. illegal to burn any controlled wastes
  8. Works outside bird breeding season
  9. Planning permission does not convey any approval for construction on the highway
  10. High speed fibre optic broadband connection
- 

<b>Application Number</b>	19/00052/AS
<b>Location</b>	Land south of Captain's Wood, Land at Cheeseman's Green, Cheeseman's Green Lane, Kingsnorth, Kent
<b>Grid Reference</b>	03029 / 39133
<b>Parish Council</b>	Mersham & Sevington
<b>Ward</b>	Mersham, Sevington South with Finberry
<b>Application Description</b>	Proposed construction of 17no. residential dwellings (C3 use) with associated access, parking and landscaping
<b>Applicant</b>	Crest Nicholson (Eastern) Ltd, Academy Place, 1-9, Brook Street, Brentwood, CM14 5NQ
<b>Agent</b>	Carter Jonas LLP, One Chapel Place, London W1G 0BG
<b>Site Area</b>	0.25ha

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

Table 1

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<p><b>Affordable housing</b></p> <p>Provide off-site affordable housing within the wider Finberry development as part of the reserved matters approval ref 16/00125/AS at land south of Captain's Wood to be equivalent to the 30% that would have been provided on the application site</p>	<ul style="list-style-type: none"> <li>• 2 x two bedroom flats</li> <li>• 2 x two bedroom houses</li> <li>• 1 x three bedroom house</li> </ul> <p>(2 x 2-bed houses to be made available as affordable rent; with 2 x 2-bed flats and 1 x 3-bed house being made available for affordable home ownership.)</p> <p>Plots 101, 102, 110, 111 &amp; 113 of 16/00125/AS reserved matters approval.</p>	TBC
2.	<p><b>Primary Schools</b></p> <p>Towards Finberry Primary School</p>	<p>£56,689 total</p> <p>(£4,535 per applicable house + £1,134 per applicable flat)</p> <p>NB: Applicable excludes 1 bed units of less than 56 sq. m GIA</p>	TBC
3.	<p><b>Secondary Schools</b></p> <p>Towards Norton Knatchbull expansion works (external hard play/social areas)</p>	<p>£51,439 total</p> <p>(£4,115 per applicable house + £1,029 per applicable flat)</p> <p>NB: Applicable excludes 1 bed units of less than 56 sq. m GIA</p>	TBC

4.	<b>Outdoor Sports Pitches</b>  Contribution towards the Mersham sports club for the sports pavilion project	£32,555.00 total  (£27,013.00 capital value contribution with associated maintenance sum of £5,542.00)	TBC
5.	<b>Strategic Parks</b>  Contribution sought towards a picnic bench within the play area at Victoria Park, Ashford	£3,281.00 total  (£2,482.00 capital value contribution with associated maintenance sum of £799.00)	TBC
6.	<b>Allotments</b>  Off-site contribution	£5,508.00 total  (£4,386.00 capital value contribution with associated maintenance sum of £1,122.00)	TBC
7.	<b>Cemeteries</b>  Off-site contribution	£7,820.00 total  (£4,828.00 capital value contribution with associated maintenance sum of £2,992.00)	TBC
8.	<b>Public Rights of Way</b>  Contribution to KCC towards improvement of accessibility of nearby PROW by seeking the replacement of stiles with gates and upgrading sleeper bridges	£2,000 total	TBC

9.	<b>Library book-stock</b>  Contribution towards additional book-stock for the mobile library attending Sevington	£816.27 total  (£48.02 per dwelling)	TBC
10.	<b>Community Learning</b>  Contribution to KCC towards IT equipment for new learners at Ashford Gateway Centre	£585.68 total  (£34.45 per dwelling)	TBC
11.	<b>Youth Service</b>  Contribution to KCC towards additional equipment at Ashford North Youth Centre	£474.46 total  (£27.91 per dwelling)	TBC
12.	<b>Social Care</b>  Towards Age UK at Farrow Court, Ashford	£958.97  (£56.41 per dwelling)	TBC
13.	<b>Monitoring Fee</b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£750 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years

**(B) Permit**

**Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Balcony screening condition to protect the residential amenity of plot 17.
4. Ecology condition(s)
5. Drainage, foul and surface water condition(s)
6. Environmental health condition(s)
7. Hard and soft landscaping condition(s)
8. Request joinery details
10. Request external fine details
11. Vehicular/bicycle parking condition(s)
12. Electric vehicle charging condition
13. Ecological buffer strip condition
14. Request details of a resident's information pack in respect of landscaping maintenance
15. Level thresholds condition
16. Affordable Homes HOU14: provision of x 2 M4 (2) standards home and x 1 M4 (3b) standards home

**Notes to Applicant**

1. S106
2. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

- offering a pre-application advice service,



- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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<b>Application Number</b>	18/01842/AS
<b>Location</b>	Bombardier Transportation Ltd, Beaver Lane, Ashford
<b>Grid Reference</b>	99409/42580
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Development of a light maintenance depot including the demolition of existing structures, the provision of a two storey 500sq.m workers accommodation block, 36 parking spaces and associated works for the movement in, and stabling of, railway rolling stock and associated equipment at the former Bombardier Depot, Chart Leacon.
<b>Applicant</b>	Network Rail Infrastructure Limited C/O Agent
<b>Agent</b>	GVA 65 Gresham Street, London EC2V 7NQ.
<b>Site Area</b>	2 Hectares

- (a) 107/1R                      (b)                                      (c) EHM (EP) X, EA X, KCC  
Flooding X, KHS X, SW X  
KCC Ecology X

The Senior Planning Officer drew Members' attention to the Update Report. A letter had been received from the solicitor acting on behalf of the applicant. There was also an update on conditions.

In accordance with Procedure Rule 9.3, Ms Oliva, the agent, spoke in support of the application. This planning application scheme was helping to facilitate the wider Thames Link improvements and was a vital piece of infrastructure to support improved train services across Kent and the wider South-East. The Thames Link programme was a £7b Government-sponsored investment aimed at helping to meet the rising demand for train services in the area. It included extensive infrastructure improvements to increase capacity, improve journey time and relieve overcrowding. This would be to the benefit of many thousands of commuters and other travellers and was a very significant public benefit. It included the delivery of a fleet of 115 new trains. At a local level Thames Link would run two additional trains per hour between Cambridge and Maidstone East, providing a direct and significant benefit to many people living or working in Kent. The existing Hitachi depot in Ashford would be used by Govia for the stabling of its trains. Additional stabling was needed for some of the South-Eastern trains that would be displaced from the Hitachi depot. This must be in the Ashford area, to provide the most sustainable and effective operational arrangement. A failure to provide an appropriate long-term solution for the displaced South-Eastern trains would compromise the ability to provide a punctual, clean and efficient service on South-Eastern routes across Kent. As such, the stabling was a vital piece of infrastructure. A further benefit for the local economy was the 50 jobs that would be created at the proposed light maintenance depot. All the necessary ecological surveys had been undertaken and the requested ecological mitigation strategy for reptiles had been submitted to the Council. This showed a specific off-site translocation area for reptiles in Network Rail's ownership north of the railway line. The existence of the legal challenge did not change the status of the adopted Local Plan. This was the extant development plan and the application should be determined in accordance with it. It was not considered that there were any reasons to defer determination of the application on this point.

Neither of the Ward Members were able to attend, but a statement was read out from them commenting on the application.

**Resolved:**

- (A) Subject to the outcome of the Hearing in the High Court and the Head of Development Management & Strategic Sites (in consultation with the Head of Legal and Democracy) being satisfied that planning permission**

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can be issued and that the application does not need to be reported back to the Planning Committee for further consideration, and

- (B) Subject to the submission of information on the proposed translocation site for reptiles that is considered acceptable by the Head of Development Management and Strategic Sites or the Joint Development Control Managers following prior consultation with KCC Ecological Advice Service**

**Permit, subject to the following Conditions and Notes:**

**(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

1. Time condition
2. details shall be submitted showing the layout of the entrance, internal road layout and pedestrian footways
3. details shall be submitted showing the parking provision
4. the vehicle loading/unloading and turning facilities provided
5. details showing covered cycle parking facilities to be approved
6. details of Demolition and constructions works environmental plan
7. Provision of the acoustic barrier
8. Provision of remediation strategy to deal with the risks associated with contamination
9. A verification report demonstrating the completion of works.
10. contamination not previously identified is found to be present at the site
11. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority.
12. The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to main foul drainage has been submitted to the LPA for approval.
13. Detailed sustainable surface water drainage scheme to be submitted

14. Submission of updated bat emergence survey if works don't commence until May2020

15 . Bat sensitive lighting plan

16 . Details enhance biodiversity

17. Approved plans

### **Note to Applicant**

#### 1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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<b>Application Number</b>	18/01801/AS
<b>Location</b>	Land between Peelers and Oakleigh, Church Road, Smeeth
<b>Grid Reference</b>	07526 / 39948
<b>Parish Council</b>	Smeeth

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<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Outline application for residential development for the erection of up to 35 units, to include access from Church Road only, with all other matters reserved.
<b>Applicant</b>	Messrs Barden and Mansfield
<b>Agent</b>	Mrs Welch, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	1.4 hectares

(a) 33/15 (4S, 10R, 1+)	(b) Smeeth S; Brabourne S	(c) KH&T – X; KCC ECO – X; SW – +; KCC Heritage - X; NHS - -; Kent Police – X; ABC Housing X; NE – +; EA – +; ES – X; UK PN – X; Southern Gas – X; KF&R – X; KCC PROW – X; Culture (OS) – X; SW - +; KCC Eco Dev – X; Env. Services (Refuse) - X
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The Joint Development Control Manager drew Members' attention to the Update Report and the additional representations.

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions, and deleting planning obligations (in the event that no relevant project is identified) as she sees fit.**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.
2.	<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance</p>	20%	Prior to first occupation of any dwelling to be built in accordance with the standard.

	with policy HOU14 part a).		
3.	<p><b><u>Self &amp; Custom Built Development</u></b></p> <p>No less than 5% of serviced dwelling plots to be custom or self build.</p> <p>In accordance with policy HOU6</p>	5%	In accordance with policy HOU6
4.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Contribution towards improvements to play provision at Smeeth and Brabourne play area.</p>	<p>Off-site capital cost per dwelling £649</p> <p>Maintenance cost per dwelling £663</p>	Upon occupation of 75% of the dwellings
5.	<p><b><u>Informal/Natural Space</u></b></p> <p>Contribution towards landscape improvements for Smeeth and Brabourne recreation ground.</p>	<p>Off-site capital cost per dwelling £434</p> <p>Maintenance cost per dwelling £325</p>	Upon the occupation of 75% of the dwellings
6.	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards development of additional land to increase football provision at Smeeth and Brabourne Recreation Ground (TBC).</p>	<p>Off-site capital cost per dwelling £1589</p> <p>Maintenance cost per dwelling £326</p>	Upon the occupation of 75% of the dwellings

7.	<b><u>Strategic Parks</u></b>  Contribution towards a shelter within the picnic area at Conningbrook Country Park.	Off-site capital cost per dwelling £146  Maintenance cost per dwelling £47	Upon the occupation of 75% of the dwellings
8.	<b>Allotments</b>  Improvements to Brabourne allotment site (TBC)	Off-site capital cost per dwelling £258  Maintenance cost per dwelling £66	Upon the occupation of 75% of the dwellings
9.	<b>Cemeteries</b>  Parish Council to advise which projects require funding.	Off-site capital cost per dwelling £284  Maintenance cost per dwelling £176	Upon the occupation of 75% of the dwellings
10.	<b>Public Rights of Way</b>  Contribution towards improvement of accessibility of paths within the immediate vicinity by replacement of stiles with gates.	£1,000	Upon the occupation of 75% of the dwellings
11.	<b><u>Secondary Schools</u></b>  Towards Norton Knatchbull dining hall expansion	£4115.00 per applicable house *excludes 1 bed units of less than 56 sqm	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings To be index linked by the BCIS General Building Cost Index from Oct 2016 to the



			date of payment (Oct- 16 Index 328.3)
12.	<b>Libraries</b> Contribution towards additional bookstock for the new borrowers generated by this development supplied to the mobile Library service attending Smeeth	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
13.	<b>Health Care</b> TBC (NHS has not made a request)	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
14.	<b>Reptile receptor site</b> The off-site provision of a reptile receptor site at Hampton Lane (Brook)	As the proposed receptor site is not within the proposed development site	Prior to the commencement of development
15.	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed thereof in subsequent years	First payment upon commencement of development and on the anniversary

**(B) Grant Outline Planning Permission**

Subject to the following conditions and notes:

Standard

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

Highways and Parking

3. Parking to be provided and retained
4. Details of the provision of covered cycle parking facilities
5. Provision of site access prior to occupation of any dwellings
6. Provision of highway and footway widening as shown on approved plans
7. Provision of other highway infrastructure / works (i.e. improvements to Ridgeway/Church Road junction) prior to occupation of any dwellings
8. Car barns / PD restrictions
9. Provision of final wearing course
10. Construction Management Plan
11. Visibility splays
12. Details of measures to prevent discharge of surface water onto highway
13. Details of final surface finish for roads, driveways, cycleways and footpaths and parking areas

Landscaping & Ecology

14. Landscape management plan
15. Landscape buffer to rear (south east) boundary
16. Landscaping scheme for the whole site
17. Boundary treatments

- 
18. Reptile mitigation strategy
  19. Bat sensitive lighting plan
  20. Hedgehog protection
  21. Ecological enhancements
  22. Adoption management plan
  23. Retention of trees & hedgerows

#### Drainage & Disposal of Foul water and flooding

24. SUDs layout
25. SUDs operation and maintenance manual
26. SUDs post completion Verification Report
27. Means of foul water disposal / upgrade of sewerage system

#### Residential

28. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
29. Refuse storage details
30. Electric car charging points
31. Water efficiency condition pursuant to policy ENV7
32. Dwellings used for C3 purposes only
33. Removal of PD rights for extensions and alterations and outbuildings
34. Dwellings to be 2 storey form only with any 2<sup>nd</sup> floor accommodation contained wholly within the roof
35. Architectural details for the dwellings

#### Others

36. Housing Mix
37. Broadband

38. Contamination and remediation / verification report
39. Scheme to control noise from pumping station
40. Archaeology
41. Levels / sections through the site
42. Standard approved plans condition
43. Standard enforcement condition

**Notes to applicant**

1. Working with applicant
2. S106 Agreement
3. Protection of birds under the Wildlife Act / protected species and habitats directive
4. Formal application to SW required to carry out public sewer connection. Attention drawn to comments made by SW dated 8 February 2018
5. Broadband
6. Requirement for highway consents

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<b>Application Number</b>	18/00988/AS
<b>Location</b>	Rose Garden Paddock, Hareplain Road, Biddenden, Ashford, Kent, TN27 8LJ
<b>Grid Reference</b>	582917 139201
<b>Parish Council</b>	Biddenden
<b>Ward</b>	Biddenden
<b>Application Description</b>	Variation of condition 2 on planning permission 07/02242/AS to allow for 4 mobile homes to be stationed on the site at any time.
<b>Applicant</b>	Mr Waghorn

**Agent**

-

**Site Area**

N/A

(a) 2/ 1R 4/S

(b) Parish Council - R

(c) -

In accordance with Procedure Rule 9.3, Mr Furley, a local resident, spoke in objection to the application. He was speaking as a nominee of 28 residents of the 21 settled properties in the immediate vicinity of the application site. This was done on the understanding that they should remain anonymous because of the universal fear of retribution from the wider Traveller community. Within the 2008 refusal by this Committee to permit the original application, it identified contravention of 21 policies, the inadequate visibility splays at the entrance and was deemed to be intrusive in the countryside. This decision was overturned in 2008 by the Appeal Inspector, who stated he gave the greatest weight to the special needs of the applicant's family that were unable to be met elsewhere, and, in particular, the needs of a five year old member of that family that overrode normal planning constraints. He was asked if this might lead to an eventual proliferation of development on this site and he explained that, to prevent this, a condition would be attached to the consent to limit the site to one mobile and one static caravan. He added that whilst this was not an ideal site, the size of the development was such as not to dominate the settled community. In May 2016 the Ashford Borough Plan 'Planning for Gypsies and Travellers' reviewed the Rose Garden Paddock site for possible expansion. It concluded that the site was unsuitable for development for additional pitches as it was located in an unsustainable location and because it would further enforce the ribbon development in Hareplain Road. The Parish Council could not comprehend how the revised legislation of 15<sup>th</sup> August of Section 73 of the Town and Country Planning Act justified this application to multiply the residences by 4, more than double the size of a utility block and require a vast 17,000 litre cess pool to be presented as a minor variation to a condition 2 of planning permission 07/0224. It was the Parish Council conclusion to object to the proposed increase in development of this site on grounds that the surrounding area had tight restrictions of no new housing or increased numbers of dwellings to preserve the low density population of the area. This development was in direct contrast to this. The Parish Council also argued that it was in breach of Local Government planning policy for Traveller sites, policy C, which stated that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of sites did not dominate the nearest settled community. The Parish Council asked Members to consider their objection against the benefit windfall opportunity of extra pitches on the boundary of the Borough and refuse this application.

In accordance with Procedure Rule 9.3, Mr Waghorn, the applicant, spoke in support of the application. He said that much of the necessary infrastructure was already in place. The cess pit had already been established from day one. There was no change needed. Mr Waghorn was making the application on behalf of his family. His son was now nearly 17, but his needs were just as bad, if not worse, and more complex than when he was young. His wife was also disabled. His daughters needed to be present to help him and his wife. Two Officers had approved the

application. One Officer approved it verbally before leaving the Council. Another Officer also verbally approved it before formally approving it on paper, so clearly two Officers deemed the application suitable. There would be no more new people moving to the site. The people that the applicant was asking for already lived there, so there would be no extra traffic. His daughters had been driving for four years already. It was a well-contained site and the layout had been overseen by a Planning Officer. Mr Waghorn was not applying to use new land, but just his designated living area. To soften any impact, the front hedge had been put back 3m from the road.

In accordance with Procedure Rule 9.3, Mr Tydeman, on behalf of Biddenden Parish Council, spoke in objection to the application. The Parish Council strongly objected to this application for a number of reasons. It appeared that their written objection had been misunderstood. They did not object on the basis that it was an application for a new Traveller site. They were well aware of Rose Garden Paddock, which was initially illegally established over a bank holiday weekend before being allowed after a Planning Appeal. Since then they had accepted its legality as a Gypsy and Traveller site and had supported subsequent planning applications. This application, however, requested a variation of condition 2 to allow for four mobile homes to be stationed on the site at any time, which would mean three in addition to the one already with permission. This effectively asked for three additional pitches within the approved area of an established Traveller site for one pitch of a single mobile home and one touring caravan. This would expand the site to four pitches and the Parish Council objected to this as it contravened the Local Plan. Other concerns were the proliferation of mobile homes, which would substantially increase the resident population in the area and which, if allowed, would have further impact on the local environment, particularly in terms of road safety. Hareplain Road was a narrow two-lane road with numerous bends, with little opportunity for overtaking, particularly in the area of the site. It was also a rat run for those wishing to access either of the A roads. Speeding along the road was very common indeed. There was a current KCC plan to place a speed restriction on the A274 junction at the north end to reduce accidents at that crossroads. The Parish Council considered that, whilst the location was well-screened, the tops of all the additional mobile homes would be visible and would not fit in with the existing landscape, particularly during the winter months. The Parish Council was also surprised that the proposal was even being considered as it appeared to violate the concept of a nomadic lifestyle, since most pitches allowed for one mobile home and a touring caravan. The application proposed doing away with touring caravans in lieu of extra mobile homes. The touring caravans were not supposed to be permanently occupied but were there to enable the nomadic lifestyle of the occupants. Therefore, allowing this application effectively granted four pitches on a one pitch site. The Parish Council did not see how this fitted with the definition of a Gypsy and Traveller lifestyle. The Local Plan Assessment rejected this expansion. The Planning Officer subsequently accepted it, which was not a correct decision. The site was rejected in the Local Plan due to non-sustainability, no public transport, distance from schools, health facilities and the nearest local shop, thus requiring access by some form of transport. This meant extra vehicles accessing and leaving the site on an adverse bend of a fast road. Mr Tydeman emphasised that over the years Biddenden had accepted more than its fair share of Gypsy and Traveller sites, as well as expansion of those sites in recent times. This, however, was an occasion when the site formed part of an already-

expanding ribbon of development, detracting from the facilities of the countryside in this area. The Parish Council strongly objected to this application and requested that it be rejected.

The Ward Member attended and spoke in objection to the application.

The Senior Solicitor (Strategic Development) advised the Committee that it was not appropriate to impose a personal condition as this was a s73 application.

**Resolved:**

**Grant the Section 73 application subject to conditions differing from the original permission as set out below:**

**(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

**Reason:** The site lies in an area where an unrestricted caravan site would not normally be permitted.

- 2 No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than four shall be a static caravan or mobile home) shall be stationed on the site at any time.

**Reason:** In accordance with the terms of the application and in the interests of visual amenity.

- 3 The utility room approved under application 07/02242/CONA/AS shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of visual amenity.

- 4 The internal layout of the site shall not be modified or extended unless otherwise agreed in writing by the local planning authority.

**Reason:** In the interests of visual amenity.

- 5 The vehicle access visibility splays shall be kept free of any obstruction in accordance with the details approved under condition 4 of application 07/02242/AS on 17 July 2009.

**Reason:** In the interests of highway safety.

- 6 Any trees or other plants which formed part of the approved landscaping scheme under application 07/02242/AS which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

**Reason:** In order to protect and enhance the amenity of the area.

- 7 No external lighting shall be provided on the site without the prior approval in writing of the local planning authority.

**Reason:** In the interests of visual amenity.

- 8 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

**Reason:** In the interests of visual amenity.

- 9 No commercial activities shall take place on the land, including the storage of materials.

**Reason:** In the interests of visual amenity.

- 10 None of the additional mobile homes shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

- 11 The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development



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through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

- 12 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

### Notes

#### 1 Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- (a) offering a pre-application advice service,
- (b) as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- (c) where possible suggesting solutions to secure a successful outcome,
- (d) informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- (e) by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the application was acceptable as submitted and no further assistance was required.

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<b>Application Number</b>	19/00061/AS
<b>Location</b>	27 Thorne Estate, Pluckley, Ashford, Kent, TN27 0RD
<b>Grid Reference</b>	91920/44794
<b>Parish Council</b>	Pluckley

<b>Ward</b>	Weald Central	
<b>Application Description</b>	Installation of vehicle crossover to allow vehicle access across footpath onto proposed vehicle hard standing area and disabled access ramp.	
<b>Applicant</b>	Community & Housing, Ashford Borough Council	
<b>Agent</b>	B E Ames Ltd	
<b>Site Area</b>	0.03 ha	
(a) 7/-	(b) S	(c) KHS - X

## Resolved

### Permit

#### Subject to the following Conditions and Notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In the interests of visual amenity.

3. The area shown on the amended drawing number 2885/6-001 Rev A as vehicle parking space shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

4. The access hereby approved must be completed, and thereafter maintained, prior to the vehicle crossover being brought into operation.

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**Reason:** In the interests of highway safety.

5. The visibility splays as shown on amended drawing number 2885/6-002 Rev B within which there shall be no obstruction in excess of 1.05m in height above the carriageway edge shall be provided at the access before the development commences and the splays shall be so maintained at all times.

**Reason:** In the interests of highway safety

6. The first 5m of the access from the edge of the highway shall be constructed of a bound surface and the development shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that no gravel or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety.

7. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

8. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### Notes to Applicant

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents, where required, are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called "highway land". Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of ownership, this land may have "highway rights" over the topsoil. Information about how to clarify the

highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

### **Working with the Applicant**

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- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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Queries concerning these Minutes?

Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)

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