

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16th December 2019**.

Present:

Cllr. Burgess (Chairman);
Cllr. Blanford (Vice-Chairman);

Cllrs. Chilton, Clarkson (ex officio), Clokie, Forest, Harman, Heyes, Hayward, Howard, Howard-Smith, Ledger, Shorter, Spain, Sparks, Ward, Wright.

In accordance with Procedure Rule 1.2 (c) Councillors Ledger and Hayward attended as Substitute Members for Councillors N. Ovenden and Smith respectively.

Apologies:

Cllrs. Krause, N. Ovenden, Smith.

Also Present:

Cllrs. Farrell, Wedgbury, White.

Development Management Manager, Team Leader Planning Applications, Strategic Development and Delivery Manager; Senior Planning Officer, Executive Assistant to Head of Planning & Development, Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

245 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	247 – 19/00644/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Chilton	Made a Voluntary Announcement that he was a Member of Stanhope Parish Council who had supported and funded part of the application. He would take no part in the vote.	247 – 19/01568/AS
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, and Declared that he was the Portfolio Holder for Regeneration and Corporate Property and had previously expressed a view. He would speak on the item but would not take part in the vote.	247 – 19/01213/AS
Farrell	Made a Voluntary Announcement that he was a Member of Kent County Council.	247 – 18/00644/AS 18/00321/AS 18/01454/AS
Harman	Made a Voluntary Announcement that she was a Member of the Campaign to Protect Rural England, and Declared that she knew the applicant, who was a colleague.	247 – 19/00644/AS 19/01568/AS
Hayward	Declared that as a Trustee for the Charity she was the applicant for the item. She would leave the room for the discussion, and did so.	247 – 19/01568/AS
Heyes	Declared that he lived in the location. He would make a short statement, but would take no part in the debate. (He left the Chamber during the debate and vote).	247 – 19/01213/AS
Howard	Declared that he had made public comments on the application prior to being on the Planning Committee. He would make comments as the Ward Member and then leave the Chamber for the debate, which he did.	247 – 19/01454/AS
Sparks	Declared that he had a previous association with Orlestone Parish Council and would speak on the item but would not take part in the vote.	247 – 18/00644/AS

246 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 6th November 2019 be approved and confirmed as a correct record.

247 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: -

Application Number	18/000644/AS		
Location	Land to the north of St Mary’s Close and east of Ashford Road, Hamstreet, Kent TN26 2DX		
Grid Reference	00129/34042		
Parish Council	Orlestone		
Ward	Weald South		
Application Description	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.		
Applicant	Hallam Land Management Ltd, 3 rd Floor, Portland Place, London W1B 1QH		
Agent	Mr Owen Jones, LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 8LJ		
Site Area	8.8 hectares		
(a) 53/43R/2S/ 2+	(b) Orlestone - 2R 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	

The Team Leader Planning Applications drew Members' attention to the Update Report. Two additional letters had been received from Orlestone Parish Council, and a representative from the Parish Council would be speaking. Three additional letters of objection and one general comment had also been received. Condition 26 should be included in the recommended conditions.

In accordance with Procedure Rule 9.3, Mr Gallop, a local resident, spoke in objection to the application. He wished to raise three points. The project proponents stated in the RPS traffic assessment of April 2018 that a two metre wide footway was provided on the western side of Ashford Road, between the bridge over the A2070 and into the village centre. This was not correct and was misleading. The scheme design finished outside Mr Gallop's property. The 2.1m wide footway joined to an existing footway of 65cm width. The width available was no greater than 1m, which would be a safety concern for passing pedestrians. Pedestrians currently stepped into the road at rush hour. This did not meet the design guidelines of the DFT manual for streets. Trying to match the new scheme with the old infrastructure did not work here. There was only one footway on Ashford Road from the school to the railway bridge and the bypass above the school. The proposed pedestrian crossing was to be a puffin crossing. Mr Gallop asked whether the Committee was sure that this type of crossing was appropriate for this location, where platoons of parents would need to cross a main road from a park and drop facility. He asked how a puffin crossing would work at peak school hour. The existing road network had no capacity, with on-street parking for queueing traffic while signals cleared. It was the intention to encourage parents to use the park and drop facility but the reality was that it would be easier to park on the road above and below the school traffic-calming measures and there would still be traffic stalemate. Rail commuter traffic would be displaced by the traffic-calming measures, contrary to the traffic assessment findings. In 2017 the Planning Officer stated that Hamstreet would endure three years of construction impacts with this major scheme. Exiting through traffic, school rush hour and construction related traffic would cause dramatic conflict, wider than the Hamstreet community. Mr Gallop asked how this would be mitigated by the developer and the planning authority. This development and the Warehorne Road development represented an unfair contract to the detriment of the Hamstreet community, who had no right of reply.

In accordance with Procedure Rule 9.3, Mr Jones, the agent, spoke in support of the application. This application was first considered by the Planning Committee in July 2019, with an Officer recommendation for granting planning permission. That recommendation was based on the fact that the site was allocated in the recently adopted Local Plan, and also that the proposed development met the requirement and benefits of policy S31 of that Local Plan. At the July Committee the application was deferred for further consideration of access onto Ashford Road, the location of the proposed football field, parking restrictions along Ashford Road and S106 obligations. The latest Officer's report explained how these matters had been considered and referred specifically to the letter of support from the primary school and the repeated view of the County Council, who had considered carefully the proposed means of access, the crossing and the proposed parking arrangements. The Officer's report concluded that the reason for deferral had been thoroughly and robustly investigated and satisfactorily addressed as far as possible. The proposal complied fully with the development plan, the policies of the Local Plan and, specifically, policy S31. For these reasons, the Officer's report continued to support the proposed development. Mr Jones asked Members to grant planning permission.

In accordance with Procedure Rule 9.3, Mr Griffiths, on behalf of Orlestone Parish Council, spoke in objection to the application. The Parish Council strongly opposed the application, with particular reference to traffic solutions proposed. The village was extremely concerned that a further 80 homes and a 60 bed care home were being considered, over and above the 74 houses already approved. Under this application the school had access to a football pitch and a woodland discovery centre. To get to both of these children would have to cross the B2067 Ashford Road by the puffin crossing. This would undoubtedly happen many times during the day. The proposed 32 drop off and pick up parking spaces, as recommended in the RPS transport assessment, were based on two individual counts covering the busiest five minute period. The Parish Council's own traffic counts, taken during the half hour prior to school starting and after finishing, showed an average of 114 drop offs and 92 collections, each one taking more than five minutes. Additionally, the parking space proposed was not sufficient for large 4x4 vehicles to turn or wide enough to open doors and unstrap children from car seats. All these vehicles would be turning off and onto the busy Ashford Road through the village. The care home traffic, both pedestrian and vehicular, would also contribute to this bottleneck. The proposed parking area and yellow lines shown at figure 1 did not show the extent of the current parking, given the number of vehicles seen and had numerous inaccuracies in terms of signage. The queues to turn into the drop off area would result in yellow lines being ignored and children dropped off on the school side as now. The RPS transport assessment stated there were only minor accidents in this and surrounding roads in the years 2011 – 2017. In 2018 there were two accidents involving five casualties. This road had a 30mph speed limit. The key percentile used in the RPS transport assessment noted speeds of 37.7 north and 32.7 south. In the independent traffic reports produced by the Parish Council in November these figures were both 40mph. This was a busy road with 6,000 vehicles on a week day, including 200 lorries causing regular hold ups when trying to pass parked vehicles. The RPS transport assessment stated that there was a 2m wide pavement all the way from the bridge to the village. This was blatantly untrue. The transport assessment on which this solution was based was not fit for purpose and would put the lives of children, parents and staff at even greater risk. A better solution must be found before this planning application proceeded. If not, Mr Griffiths asked who would be held responsible if the inevitable accidents, injuries and worse occurred.

Resolved:

- (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 the Head of Planning and Development, the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Head of Planning and Development, the Development Management Manager or the Strategic Development and Delivery Manager 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.

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Affordable Housing</u></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 in the locations and with the floorspace, wheelchair access (if any), 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><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.

	In accordance with policy HOU14 part a).		
3.	<p><u>Self & Custom Built Development</u></p> <p>No less than 5% of serviced dwelling plots to be marketed for sale to self or custom builder/s unless otherwise agreed with the Council.</p> <p>In accordance with policy HOU6.</p>	5%	In accordance with the criteria in policy HOU6
4.	<p><u>Children's and Young People's Play</u></p> <p>Provision on site and managed / maintained by the Management Company</p>	<p>On site provision to the equivalent value of</p> <p>£649 per C3 dwelling for capital costs and</p> <p>£663 per C3 dwelling for maintenance</p>	Prior to the occupation of 75% of all C3 dwellings
5.	<p><u>Informal/Natural Space</u></p> <p>Provision on site of a minimum of 0.39 hectares (based upon 80 dwellings) and managed and maintained by a Management Company.</p>	<p>On site provision to the equivalent value of</p> <p>£434 per C3 dwelling for capital costs and</p> <p>£325 per C3 dwelling for maintenance</p>	Laid out and provided prior to occupation of 50% of all residential units.

6.	<u>Outdoor Sports</u> Provision of junior football pitch on site and associated shelter to Football Association Standards and associated shelter. To be managed and maintained by the Management Company.	On site provision equivalent to the following costs £1,589 per C3 dwelling for capital costs £326 per C3 dwelling for maintenance	Laid out and provided prior to occupation of 50% of all residential units.
7.	Strategic Parks Contribution towards the seating and shelter provision around the lake at Conningbrook Lakes Country Park, as part of the public art project.	£146 per C3 dwelling for capital costs £47 per C3 dwelling for maintenance	Prior to the occupation of 75% of the dwellings
8.	Allotments Provision of running water at Pound Lees allotments, Hamstreet.	£258 per C3 dwelling for capital costs £66 per C3 dwelling for future maintenance	Prior to occupation of 75% of all residential units.
9.	Cemeteries Contribution towards the Improvement to and upkeep of the cemetery at St Mary's church, Hamstreet	£288 per C3 dwelling for capital costs £176 per C3 dwelling for future maintenance	Prior to the occupation of 75% of the C3 dwellings

10.	Secondary Schools Towards the provision of an additional 2FE at the new Chilmington Secondary School	£4687 per C3 house £1,172 per C3 flat £0 for any 1 bed C3 dwelling with less than 56m ² gross internal area	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 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)
11.	Primary Schools Project: Towards the expansion of Hamstreet Primary Academy	£3,324 per C3 house. £831.00 per C3 flat £0 for any 1 bed C3 dwelling with less than 56m ² gross internal area	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings
12.	Community Learning Contribution towards Tenterden Adult Education Centre to provide IT, equipment and additional services	£34.45 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings
13.	Youth Service To provide additional equipment at Tenterden Youth Service to enable outreach provision	£27.91 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance on occupation of 50% of the C3 dwellings

14.	Social care Provision of adult social care at Tenterden Day Centre.	£77.58 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings
15.	Libraries Contribution towards additional book stock for the Hamstreet mobile library.	£108.32 per C3 dwelling	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings
16.	Health Care Project: extension, refurbishment and/or upgrade of Hamstreet Surgery	£504 for each 1-bed C3 dwelling £720 for each 2-bed C3 dwelling £1,008 for each C3 3-bed dwelling £1,260 for each C3 4-bed dwelling £1,728 for each C3 5-bed dwelling or larger	Half the contribution prior to occupation of 25% of the C3 dwellings and balance prior to occupation of 50% of the C3 dwellings
17.	<u>Management / maintenance Plan / community & school use agreement</u> Provision of an agreed management / maintenance plan & community / school use agreement for the football pitch and associated buildings, the outdoor classroom building and the carpark to ensure who is responsible for the running, upkeep,	N/A	Prior to the commencement of any development either on or off the site

	management and maintenance and to ensure an acceptable dual use is provided for Hamstreet Primary School and the wider community.		
18.	Provision of car parking facilities with a minimum of 60 spaces and outdoor classroom facility	N/A	Prior to the first occupation of any of the C3 dwellings on the site or the implementation of any parking restrictions along Ashford Road associated with this development.
19.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is practically completed	First payment prior to commencement of development and on the anniversary thereof in subsequent years
<p>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

(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 and cycle parking (residential & care home)
4. Details of the provision cycle parking facilities (residential & care home)

5. Provision of site access prior to occupation of any dwellings / care home
6. Provision of highway infrastructure / works (i.e. pelican crossing and footpath improvements and speed reduction measures as shown on drawings JNY8972/15 Rev F & JNY8972/17 prior to occupation of any dwellings / care home.
7. Car barns / PD restrictions relating to garage doors
8. Provision of final wearing course
9. Construction Management Plan
10. Visibility splays for the new access to the site
11. Details of highway infrastructure / services including an adoption, services and street lighting plan
12. Provision of the car parking for the school prior to occupation of any dwellings
13. Final surface finish for all roads, car parks, footpaths and cycleways, parking courts and private drives / parking areas.

Landscaping & Ecology

14. Landscape management plan
15. 30m landscape buffer to ancient woodland with no built development or gardens in this buffer
16. Landscaping masterplan and detailed scheme for the whole site
17. Arboricultural Impact Assessment and Tree Protection Plan
18. Boundary treatments
19. Dormice mitigation measures
20. Bat sensitive lighting plan
21. Ecological mitigation / management plan
22. Scrub and hedgerow clearance
23. Ecological enhancements
24. Adoption management plan
25. Retention of trees & hedgerows

School / community facilities

26. Provision of the junior football pitch, associated shelter, fencing and other related infrastructure prior to occupation.

- 26A. Detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field / football pitch and full reports and recommendations in respect of the above to ensure delivery of the pitch to Sport England standards
- 27. Provision of the classroom / discovery centre prior to occupation
- 28. Removal of PD rights for fencing around the football pitch
- 29. No external lighting – permanent or mobile for use in connection with the football pitch

Drainage & Disposal of Foul water and flooding

- 30. SUDs layout
- 31. SUDs operation and maintenance manual
- 32. SUDs post completion Verification Report
- 33. Means of foul water disposal / upgrade of sewerage system prior to occupation
- 34. Details of drainage for the junior football pitch

Residential dwellings / Care home

- 35. Space Standards – internal and external pursuant to policies HOU12 and HOU15 (residential dwellings only)
- 36. Refuse storage details (both)
- 37. Level thresholds (both)
- 38. Electric car charging points (both)
- 39. Water efficiency condition pursuant to policy ENV7 for dwellings
- 40. Care home to achieve BREEAM ‘very good’ standard with at least a 40% improvement in water consumption against the baseline performance of the building.
- 41. Dwellings used for C3 purposes only
- 42. Care home to be used for C2 purposes only
- 43. Removal of PD rights (both)
- 44. Details of walls, fences and other means of enclosure to be submitted and approved and thereafter carried out (both)
- 45. Dwellings and care home to be 2 storey in form, scale and height
- 46. Architectural details for dwellings and care home

Others

47. Housing Mix
48. Broadband
49. Contamination
50. Noise control/ mitigation measures for dwellings and care home
51. Air quality mitigation measures
52. Upgrading of PROW through the site and provision of associated street furniture
53. Archaeology
54. Levels / sections through the site / earthworks
55. Standard Plans condition
56. Standard enforcement condition

Notes to applicant

1. Working with applicant
2. S106 Agreement
3. Protection of birds under the Wildlife Act.
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
7. The applicant's attention is drawn to the concerns expressed by the Planning Committee in respect of the disposition of uses and the layout of the road as shown on the indicative site layout plan.
8. 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;

- 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 responded positively to matters raised in relation to then application.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	18/00321/AS
Location	Phase 2 Old Clockhouse Green, Canterbury Road, Challock, Kent
Grid Reference	03875 02374
Parish Council	Challock
Ward	Downs West Ward
Application Description	Change of use of land from agricultural to residential for the provision of 19 no. new dwellings, with associated, parking, landscaping and infrastructure.
Applicant	Cox Developments Charing Limited c/o agent
Agent	Steve Davies, Hobbs Parker Property Consultants LLP, Romney House, Monument Way, Orbital Park, Ashford, Kent, TN24 0HB
Site Area	1.38 hectares
(a) -	(b) - (c) KCC(FWM) X, KCC (Contributions) X, EA X

The Development Management Manager drew Members' attention to the Update Report. There were a number of amendments to the report and additional representations.

In accordance with Procedure Rule 9.3, Mr Brace, a local resident, spoke in objection to the application. He said Challock lay in an area of natural beauty. This was agricultural land, cropped for hay. There was no path on the land and to cross the road it would be necessary to walk west to get to a crossing, and then walk east to go back to the school. There was no provision to widen the road for the school, or for parking for the school. There was also no provision for additional teachers, or for the GP surgery which was at capacity. In excess of 19 dwellings were currently for sale in the village, ranging from one to five bedrooms. There were building schemes in Chilmington and Faversham with hundreds of dwellings being built. 19 houses on a field with all the excessive drainage that would entail would affect Green Lane to the west. Adequate provision had not been made for this fact in the scheme. S106 contributions would not provide any of the aforementioned road or parking facilities. In fact, they would only pay for one teacher for two years in the local school. Mr Brace had lived in Challock for four years. He said if development continued at the current pace this area of natural beauty would be converted into a small town. The development headed into the A252. There were no adequate facilities for any junction and there had been no investigation into the speed of traffic there. It was a 40mph limit with no traffic-calming measures and traffic was extremely fast through this area at times.

In accordance with Procedure Rule 9.3, Mr Davies, the agent, spoke in support of the application. He said the Officer's report set out the merits of the scheme, much of which was discussed in detail at the previous meeting. The scheme was considered to provide an appropriate layout to accommodate the houses proposed and respect the character and setting of the village. The scheme had been designed in response to Officers' suggestions with the intention of creating a development that enhanced the siting of the proposed houses and to create a form of development which positively affected the traditional form, character and scale of the village and integrated itself into the surrounding area. The application was deferred at the previous meeting to allow clarification of the purpose for which the requested contributions were being sought. No objection had been raised to meeting appropriate requests for mitigating the impact of the development on local services, including schools. Mr Davies trusted that Members were now satisfied that Officers had identified appropriate recipients for the S106 contributions. The applicant could not influence how the local education authority decided to provide school places and could only provide the contribution that the authority considered was the most appropriate way to enhance services. Clarification was also requested in respect of the proposed drainage for the scheme and the applicant had sought to provide sufficient information to demonstrate that the approach was acceptable. In conjunction with this, Officers had recommended six conditions which specifically sought to control the approval process for the drainage of the site. These conditions were set out in full in the report and were considered to ensure that appropriate control was retained over the way the site was drained in order to protect the groundwater environment. A point had also been raised in the Update Report

regarding the hedge, and Mr Davies confirmed that the applicant was more than happy to provide or retain the hedge as part of the landscaping conditions. Mr Davies asked Members to grant planning permission.

Resolved:

Permit

(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 Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	Accessible and Adaptable Dwellings At least 20% of all dwellings to be built in compliance with building regulations Part m4 (2)	minimum of 4 Dwellings	Prior to first occupation of any Dwelling comprised within the Development	Directly related to the number of Dwellings to be brought forward under the approved scheme Fairly and Reasons related in scale and kind being 20% of all dwellings Necessary as a requirement under policy HOU14 (a)
2.	Affordable Housing Provide not less	8 dwellings comprising 2	Affordable units to be	Necessary as would provide housing for

	<p>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 in the locations and with the floorspace, wheelchair access (if any), 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>	affordable rent, 3 affordable home ownership 3 shared ownership products.	constructed and transferred to a registered provider prior to occupation of 75% of the open market dwellings.	<p>those who are not able to rent or buy on the open market pursuant to SP1 & HOU1, HOU12, HOU15 & HOU18 of the Local Plan 2030, the Affordable Housing SPD and guidance in the NPPF.</p> <p>Directly related as the affordable housing would be provided on-site in conjunction with open market housing.</p> <p>Fairly and reasonably related in scale and kind as based on a proportion of the total number of housing units to be provided.</p>
3.	<p>Children's and Young People's Play Space</p> <p>Contribution towards the provision of a skate park, an</p>	£649 per C3 dwelling for capital costs	Before occupation of 75% of the dwellings	<p>Necessary as currently play provision within the Parish is not sufficient in terms of quantity. Therefore increased and improved children's</p>

	extension to the existing play area, new equipment and site furniture at the playing field/recreation ground in Blind Lane.	£663 per C3 dwelling for maintenance		<p>and young people's play space is required to meet the demand that would be generated by the development and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	<p>Outdoor Sports</p> <p>Contribution towards a Multi-Use Games Area at the playing field/recreation ground in Blind</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3</p>	Before occupation of 75% of the dwellings	<p>Necessary as currently the existing pitch requires drainage improvements. The provision of an all-weather Multi-Use</p>

	Lane.	dwelling for future maintenance		<p>Games Area would improve the quality (and thus the availability) of open space for young people in the village and is required to meet the demand that would be generated by the development and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	Informal/Natural Green Space Contribution towards	£434 per C3 dwelling for	Before occupation of	Necessary as the quality of

	a hard surfaced access and additional seating at The Lees.	capital costs £325 per C3 dwelling for future maintenance.	75% of the dwellings.	<p>informal/natural green space within the Parish requires improvement and informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Ashford Local Plan policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use informal/natural green space and the space to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	<p>Strategic Parks</p> <p>Contributions towards the provision of new</p>	£146 per dwelling for	Before occupation of 75% of the	Necessary as strategic parks are required to meet the demand that

	recycling bins at Victoria Park, Ashford.	capital costs. £47 per dwelling for future maintenance	dwellings.	<p>would be generated by the development and must be maintained in order to continue to meet that demand pursuant to policies COM1, COM2 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of dwellings and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
7.	<p>Library Bookstock</p> <p>Contribution towards additional book stock supplied to the mobile library that visits Challock.</p>	£48.02 per dwelling.	Half the contribution prior to occupation of 25% of the dwellings and balance prior to occupation of 50% of the	<p>Necessary as additional bookstock is required to meet the demand generated and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Ashford KCC Guide to Development Contributions and the</p>

			<p>dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>	<p>Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>
8.	<p>Primary Schools</p> <p>Contribution towards Charing CE Primary School expansion.</p>	£3,324 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index</p>	<p>Necessary to increase capacity at the local primary school to meet the demand generated by the development and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and</p>

			328.3)	<p>guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend local primary schools and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
9.	<p>Secondary Schools</p> <p>Contribution towards Norton Knatchbull expansion works (external hard play/social areas).</p>	£4115.00 per dwelling.	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index</p>	<p>Necessary to increase capacity to meet the demand generated and pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC Guide to Development Contributions and the Provision of Community Infrastructure and</p>

			328.3)	<p>guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings.</p>
10.	<p>Upgrade public footpath AE86</p> <p>Contribution to enable the County Council to upgrade the surface to footpath AE86 which immediately adjoins the western boundary of the application site.</p>	£13,200.00	<p>Half to be paid upon occupation of 25% of the dwellings and the balance on occupation of 50% of the dwellings.</p>	<p>Necessary as the surface to the footpath requires upgrading and the development would increase footfall. Public footpaths must be maintained in order to continue to meet demand pursuant to Ashford Local Plan 2030 policies COM1 and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use the public right of way.</p> <p>Fairly and reasonably</p>

				related in scale and kind considering the extent of the development and the number of occupiers.
11.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until compliance with s106 obligations	First payment upon commencement of Development, then on the anniversary of commencement of the Development	Necessary: in order to ensure the planning obligations are complied with Directly related: as only costs arising in connection with the monitoring of this development and these planning obligations
<p>Notices must be given to the Council at various stages in order to aid monitoring.</p> <p>All contributions are index linked in order to ensure value is not reduced over time.</p> <p>The costs and disbursements of the Council's Legal Department incurred in connection with the negotiations preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs If acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

(B) 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. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the primary elevation.
6. Landscaping scheme.

7. Details required to accompany the landscaping scheme.
8. Retention of existing hedgerows.
9. Tree protection measures.
10. Tree protection for new trees.
11. Details of boundary treatments.
12. Landscape management plan
13. Removal of permitted development rights.
14. Occupation as a single dwelling house only.
15. Ecological Design Strategy.
16. Landscape and Ecological Management Plan (LEMP)
17. Bat Sensitive Lighting Design / No additional External Lighting
18. Construction Management Plan/Hours of working.
19. Electric Vehicle Charging points.
20. Provision and retention of parking and turning
21. Provision and retention of garaging/carbarns.
22. No further alterations to car barns.
23. Provision and Retention of Bicycle Storage.
24. Contamination
25. Contamination - Reporting of unexpected contamination.
26. No infiltration of surface water drainage into the ground is permitted other than with the prior written approval of the Local Planning Authority.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written approval of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

28. Prior to the commencement of any development on site a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that due consideration has first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the application site without increase to flood risk on or off-site. Should the use of infiltration prove to be beyond being reasonably practical then any surface water leaving site shall not exceed a discharge rate of 2l/s for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

29. No building hereby permitted shall be occupied until an operation and maintenance manual for the proposed sustainable drainage system is submitted to and approved in writing by the Local Planning Authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components;
- A general arrangement plan with the location of drainage measures and critical features clearly marked;
- An approximate timetable for the implementation of the drainage system;
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities;
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The system shall be provided in accordance with the agreed timetable and shall thereafter be operated and maintained in accordance with the approved operation and maintenance manual.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and

after construction), as per the requirements of paragraph 165 of the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage.

30. No building shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the requirements of the National Planning Policy Framework.

31. Prior to the commencement of the development, details of the proposed sewage treatment system including details of the design, capacity, layout, management and maintenance/repair arrangements together with a copy of the relevant Environment Agency discharge permit(s) shall be submitted to and approved in writing by the Local Planning Authority. The system shall be installed and maintained in accordance with the approved details and none of the dwellings shall be occupied until the sewage disposal works have been completed and the system is fully operational.

Reason: To avoid pollution of the surrounding area.

32. Provision and retention of refuse collection facilities.

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.

3. Indemnity required prior to refuse collection.

4. Breeding Birds.

5. No obstruction of the PROW.

6. Environment Agency Advisory Notes.

7. Kent Highways Informative Note.

Application Number	18/01454/AS
Location	Andrews Garage, Plain Road, Smeeth, Ashford, Kent, TN25 6RA
Grid Reference	08854/39818
Parish Council	Smeeth
Ward	Bircholt
Application Description	Demolition of Andrews Garage and the construction of 5 houses with associated parking, revised vehicular access and car barn.
Applicant	Mr Kicks, The Barn, Greenacres, Pound Lane, Smeeth, Ashford, Kent, TN25 6RJ

Agent	Mr M Ashenden-Bax, Pickering Moor Farm, Stape, Pickering, Yorkshire, YO18 8HZ		
Site Area	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) 69/10R, 3/+, 6/S	(b) S, (Adj.)X	(c) KHS/X, EHM/X, KCC Bio/X, Drainage/X, Refuse/-	

The Team Leader Planning Applications drew Members' attention to the Update Report. He advised that paragraph 22 of the 31st July Committee report should be deleted. Smeeth Parish Council had written to confirm support of the revised application. Four further letters of support and one objection had also been received. The Team Leader Planning Applications clarified why the whole site was considered to be within the built confines of Smeeth and only assessed under HOU3a.

In accordance with Procedure Rule 9.3, Mr Kimpton, a local resident, spoke in objection to the application. During the Planning Committee meeting in July Members highlighted design and layout of this application as points of concern. One Committee Member also suggested that non-compliance with HOU5 alone was sufficient for the application to be rejected. It was recognised that alternating the second floor finishing materials had improved the appearance but the scale and layout were fundamentally the same. The main difference from the plans previously put before the Committee was that they were now nicely-coloured sketches. Mr Kimpton did not believe the Committee should be swayed purely on the basis that the applicant had improved the presentation of the plans, rather than improving the actual layout. The new coloured sketches did not change the fact that the scale and layout of the proposed development was not in keeping with the existing ribbon styled development, which was the main characteristic along the plain. As Ashford Borough Council could currently demonstrate a Five Year Housing Land Supply, in line with the provision of NPPF, the policies of the Local Plan 2030 carried full weight. The development site was located in the more rural area on the outskirts of the village and extended outside the built confines as defined in 6.51 of the 2030 Plan and recently approved in map form by Ashford Borough Council. It was only the curtilment which was outside of this but that would be built on. Because of this, HOU5 was directly relevant to this application, but the application failed to comply with many HOU5 requirements. Mr Kimpton had submitted written evidence to substantiate this, which was circulated to the Committee last week. One example of this failure to comply was requirement D – access to services and section 6.58 of the 2030 Plan. With the publicised Council policy of 80% reduction of carbon emissions by 2025 and carbon neutrality by 2030, it would be incoherent if the Council were to accept the application that failed completely in respect to everyday services being within easy walking distance, as required by HOU5. The written evidence document mentioned previously gave substance to objections and also offered 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 HOU5 and the 2030 Plan. The proposed development would be there for decades to come and must be judged in its own right against the relevant parts of the 2030 plan. The old garage business was gone and the proposed development should not be continually compared to it, or have comparisons made against other hypothetical uses for the site. The neighbours locally to this site, on whose behalf Mr Kimpton was speaking, 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. As this was the second time this application had come before the Committee and the applicant had ignored the solutions to remove the raised issues, Mr Kimpton requested that the application was rejected or deferred with a view to reducing the level of backland development.

In accordance with Procedure Rule 9.3, Mr Saunders, the agent, spoke in support of the application. The entire site had an existing unrestricted B2 use class permitting the repair, servicing and MOT testing of domestic and commercial vehicles. This did include the possibility of other general industrial uses not suitable for residential areas, such as a waste transfer station, which could be operated without additional planning permission. The garage pre-dated many of the properties along Plain Road and was considered to contribute adversely to the area through noise of daily operations and noticeable vehicle movements generated by customers and deliveries throughout the day. The majority of the tools used were pneumatic air pressure and other materials generating up to 95 decibels. The process of MOT testing added considerably to the noise generated on the site. The applicant was seeking a change of use of this brownfield site from general industrial to housing as favoured by the NPPF and the Council's policy HOU5. A scheme for five dwellings as the only financially viable option was considered by this Committee in July with a decision to defer to allow the applicant to give further consideration to the layout and design only. To allay concerns the technical details relating to access, boundary fencing and drainage remained as shown in the drawings previously considered by this Committee. It was considered that the principle of the development was therefore acceptable to Members and some local residents - a fact reinforced by the recommendation for approval by the Planning Officer. As requested, further consideration had been given to the layout and design of the scheme and Mr Saunders drew attention to the changes. The layout remained largely unaltered due to the constraints of the foul water pipe running through the site. However, the orientations of each block had been adjusted to create a less uniform development. The design of plot 5 had been changed to avoid compromising the privacy of the adjacent properties. A variation in the design of the external material had been proposed for each of the units and it was considered that this was a more sympathetic approach to the surrounding amenity and local character. It was also considered that these changes would lend themselves to a more informal but well designed development that was appropriate for the area, as well as providing substantial improvements to the neighbours' amenity over the existing B2 use for the location.

Resolved:

Permit

Subject to the following Conditions and Notes:

1. Standard time condition
2. Materials

Environmental

3. Disposal of Sewage
4. Contamination

Highways/Parking

5. Construction management plan
6. Parking spaces
7. No doors or enclosing of car barn
8. Cycle parking
9. Visibility splays
10. Electric car charging
11. Footways and carriageways prior to occupation

Landscaping

12. Walls/Fencing
13. Landscaping scheme
14. Retention of trees/protection measures

Drainage

15. SUDs scheme

Ecology

16. Details of lighting for bats
17. Ecological enhancements

Other

18. Refuse storage
19. Obscure glazing to first floor windows

-
- 20. Removal of PD rights for Classes A, C and E (Extensions, roof extensions and outbuildings)
 - 21. Accessibility standards
 - 22. Removal of resulting spoil and materials following demolition
 - 23. Development in accordance with the approved plans
 - 24. Development available for inspection

Notes to Applicant

- 1. Working with the Applicant
- 2. Highways informative
- 3. Environmental Health informative
- 4. Breeding birds
- 5. Refuse indemnity

Application Number	19/01213/AS
Location	Carlton Business Park, Carlton Road, Ashford, Kent
Grid Reference	00118/42821
Parish Council	None
Ward	Victoria Ward
Application Description	Removal of Condition 33 on planning permission 18/01843/AS relating to plot 3 (industrial units) in relation to hours of operation to allow 24 hour use of the industrial units
Applicant	Ashford Borough Council Corporate Property, c/o Agent.
Agent	Mrs M Davidson, MDAssociates, 5 Chancery Lane, London, WC2A 1LG
Site Area	2.23 hectares

(a) 62/18R

(b) -

(c) EHM -X

In accordance with Procedure Rule 9.3, Mr Seager, a local resident, spoke in objection to the application. He was speaking on behalf of other local residents who objected to the proposal to remove Clause 33 on grounds of the rapid escalation of heavy industrial activity on the estate which was beginning to impact on their residential amenity. There was a high level of complaints arising from a recent planning application concerning the scrap metal recycling yard. These complaints had been made before the establishment of the 28 units on the Carlton Road Estate. Local residents wished to dispute Environmental Health's opinions that the 24/7 working would have little or no impact on residents. The level of daytime noise had been underestimated and night shift workers were finding that daytime noise was already intolerable and disruptive to sleep patterns. Clause 33 was originally imposed to reassure local residents that Carlton Road would not become a blight on the neighbourhood. It was specifically stated that no unsociable working hours would be permitted, to protect the residential amenity of the area. Working hours in Carlton Road had already been extended until 10pm. Mr Seager questioned that if the application were approved how would the Council know if working time practices and delivery restrictions were being adhered to, and what powers the Council had to enforce compliance with these conditions. He said the previous application had been rejected and asked what had changed since then and what justification there was for resubmitting this application.

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

Resolved:**Refuse**

The development would be contrary to policy SP1 of the Ashford Local Plan 2030 (2019) and to government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:

1. The proposed 24 hour operation of the site and the increased vehicular activity after 2200 hours before 0600 hours Monday to Friday, after 1800 hours and before 0600 hours on Saturdays, and on Sundays, public and bank holidays, would cause noise and disturbance to the detriment of the living conditions of the surrounding residents.

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,
- The applicant was provided the opportunity to submit additional information in the form of an acoustic assessment to address concerns from residents.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	19/01112/AS
Location	Station Road Car Park, Station Road, Ashford, Kent
Grid Reference	01284/42624
Parish Council	None
Ward	Victoria Ward
Application Description	Outline application for the erection of a multi-storey car park (five storeys and up to 500 spaces) over the existing surface car park to consider access and scale
Applicant	Ashford Borough Council c/o agent
Agent	Mr M Blythin, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN
Site Area	0.45 hectares

- | | | |
|----------|-------|---|
| (a) 62/- | (b) - | (c) KHS – X, KCC SUDS – X,
EA - X, KCC ARCH – X,
EHM – X, KP – X KF&R – X,
AAG - X |
|----------|-------|---|

In accordance with Procedure Rule 9.3, Mr Blythin, the agent, spoke in support of the application. This application sought to establish the principle of a new multi-storey car park to serve the town centre and support town centre businesses and retail. The recently adopted Local Plan identified the need for a car park at the location and the application was wholly in accordance with policy. It was vital that this provision was secured. It would provide the flexibility needed to deliver the wider town centre masterplan and release other sites, whilst ensuring local businesses were supported with the necessary infrastructure to maintain town centre vitality. As an outline application, it was only the access and scale which were to be determined now, with the final design and appearance of the building to be submitted for approval at a later date. This would allow the Council to work closely with the contractor to ensure that the design and materials used were of a suitably high quality and specification. Whilst the full detail would follow at reserve matters stage, the car park would deliver modern, safe and secure provision for its users, benefitting from ANPR, CCTV and appropriate lighting, all designed to high standards and in consultation with the Police. Consultation had also taken place with the Ashford Access Group to ensure that the car park remained accessible to all, including disabled parking spaces, level access and multiple lift provision. Safety and ease of use would be a central feature for this car park and consultation would continue as the project progressed. The Station Road junction would be upgraded to provide two lanes of exit, mitigating potential impacts on the main road and this had been tested against a series of different scenarios in consultation with KCC Highways, including the other car parks earmarked for future closure assumed to remain open. Detailed assessment work in respect of air quality had also been undertaken, being mindful of the Council's carbon neutral commitment. It would include a significant number of electric vehicle charging spaces with ducting installed to all spaces to allow future increased provision. The building would also house a large array of solar panels on the roof and new planting would be undertaken to enhance the adjacent green corridor. The application had received no objections from any member of the public, neighbours, statutory consultees or any other bodies and Mr Blythin therefore asked Members to endorse the Officer's recommendation to approve.

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

Resolved:

Permit

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the

planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

Subject to the following Conditions and Notes:

Approval of reserved matters and time condition

1. Approval of the details of the layout, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the Reserved Matters relating to layout, appearance and landscaping shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Contamination

3. No development shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- a) all previous uses;
- b) potential contaminants associated with those uses;
- c) a conceptual model of the site indicating sources, pathways and receptors; and
- d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1 above) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2 above) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3 above) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Code of Construction Practice

4. Prior to the commencement of the development a Code of Construction Practice/Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice/Construction Management Plan and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including routing of construction and delivery vehicles, temporary parking or holding areas
- Timings of deliveries
- Provision of off road parking for all site operatives

- Wheel washing measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works
- Temporary Traffic Management/signage

Reason: To protect the amenity of local residents and in the interests of highway safety.

Surface Water Drainage

5. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Statement by The Civil Engineering Practice (June 2019, Version 1.1) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying

calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6. The development hereby permitted shall not be brought into use until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Archaeology

7. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
 - i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

Highways

8. Prior to the use first use of the multi storey car park, 20 secure, covered cycle parking spaces shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority. These cycle parking spaces shall thereafter be retained for use and access shall not be precluded.

Reason: In the interests of encouraging sustainable transport.

9. The two lane vehicular exit onto Station Road hereby approved and detailed on drawing number MSCP22 Rev E shall be provided in accordance with the approved plan prior to the first use of the multi storey car park by the public.

Reason: In the interests of highway safety

10. The proposed alterations to the signal timings of the junction of Station Road and Vicarage Lane (as set out in Appendix E of the Transport Report) shall be provided prior to the first use of the multi storey car park by the public in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with Kent Highways and Transportation.

Reason: In the interests of highway safety

Electric Vehicle Charging Points

11. Prior to the first use of the multi storey car park by the public, plans and details (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to customer demands) for the provision of electric vehicle charging points shall be provided to and approved by the Local Planning Authority in writing.

Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist customers charging an electric or hybrid vehicle.

Reason: In order to take into account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

Green Corridor Enhancements

12. The submission for reserved matters shall include full details of the landscape enhancements proposed within the Green Corridor on land identified within the approved mitigation perimeter drawing received 13/11/2019. These details will include long term objectives, management responsibilities and maintenance schedules.

The enhancements should seek to maximise biodiversity and provide wildlife corridors, whilst maintaining views of the river. It should include riverside vegetation and tree planting to the west and east of Civic Park and to the west and east of South Park.

The works shall thereafter be carried out and maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the Green Corridor enhancements are appropriately implemented and properly maintained in the interest of the amenity and biodiversity of the Green Corridor.

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 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 and additional information to 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.

2. Kent Highways

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 or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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 the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

3. Environmental Health

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, outside of these times, on Sundays or Bank/Public Holidays.

The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Application Number	19/01568/AS
Location	Land between Belgic Court and 70 to 80, The Limes, Stanhope, Kent
Grid Reference	00121/40439
Parish Council	Central Ashford
Ward	Roman Ward
Application Description	Erection of boundary fencing (retrospective)

Applicant Mrs H Hayward for The Limes Community Garden

Agent N/A

Site Area 0.25

(a) 6/- (b) S (c)

Resolved:

Permit

(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).

Subject to the following Conditions and Notes:

1. 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.

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.

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 application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: www.ashford.moderngov.co.uk

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