

Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on **16th September 2020.**

Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Anckorn, Chilton, Clokie, Harman, Howard, Iliffe, Knowles, Mulholland, Ovenden, Shorter (ex-Officio, non-voting), Sparks, Walder and Wright.

In accordance with Procedure Rule 1.2(c) Councillors Knowles and Mulholland attended as Substitute Members for Councillors Forest and Howard-Smith respectively.

Apologies:

Cllrs. Forest, Howard-Smith.

Also Present:

Cllrs. Mrs Bell, Farrell.

In Attendance:

Head of Planning & Development, Spatial Planning Manager and Acting Strategic Developemnt and Delivery Manager, Strategic Applications Team Leader, Senior Planning Officer, Principal Urban Designer, Team Leader Planning Applications, Senior Planner, Principal Solicitor (Strategic Development); Member Services Officer, Civic Engagement Officer.

58 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society	
Burgess	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society	
Clokie	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society	

Councillor	Interest	Minute No.
Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council (for Ashford South Division).	
Knowles	Declared that he had made public comments on the application and submitted an objection. He would speak as Ward Member on the item and would not take part in the discussion or vote, and he did not do so.	62 – 19/01788/AS
Mulholland	Declared that he had been on the Tenterden Town Council Planning Committee when the applications were debated. He would speak and not vote on these items.	62 – 19/01669/AS 19/01788/AS
Ovenden	Made a Voluntary Announcement that he was a Member of Wye with Hinxhill Parish Council but he had not been involved in any discussions leading up to that Parish Council's objections to the applications.	62 – 19/01327/AS 19/01330/AS
Walder	Declared that she had been the Vice-Chair of the Tenterden Town Council Planning Committee when the applications were debated, and had voted there on both of them. She would speak but not vote on these items, and she did not do so.	62 – 19/01669/AS 19/01788/AS

59 Public Participation

The Member Services Officer drew attention to the Public Participation note contained within the agenda. She advised that in addition to the ability for the public speakers to submit their speech to be read out to the Committee, additional work had been undertaken to allow the public speakers to dial into the meeting to address the Committee themselves. Several speakers that evening had chosen to do this, but should there be technical issues their speeches would be read out by a Council Officer.

60 Officers' Deferral/Withdrawal of Reports

The Head of Planning and Development requested that item 19/01597/AS – Home Plus, Beaver Road, Ashford – be withdrawn from the agenda for this meeting. She advised there was a need for Officers to investigate an issue in regard to the Habitats Regulations that may apply to the application.

It was agreed by consensus that application 19/01597/AS – Home Plus, Beaver Road, Ashford be withdrawn from the agenda.

61 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th August 2020 be approved and confirmed as a correct record.

62 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 Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

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

Application Number	19/01327/AS	
Location	Wye College Land and Buildings, Olantigh Road, Wye Kent TN25	
Parish Council	Wye with Hinxhill	
Ward	Wye with Hinxhill	
Application Description	Residential Development of 40 dwellings with associated access road, car park and open space.	
Applicant	Tele property Investments Ltd	
Agent	Union 4 Planning	
Site Area	2.02 ha	
(a) 9/ 2R	(b) R	(c) KCCH&T/X,KCCPROW/R, KCCE/X, KCCH/X, KCCLLFA/X KCCDC/X,ABCTO/X,ABCOS/X, ABCH/RABCEH/X, KF&R/X, AONB/X, AONBTR/R,BHS/R, EA/R, RA/R, SW/X,

The Senior Planner gave a presentation on this application.

In accordance with Procedure Rule 9.3, Mr Judge, a local resident, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix A.

In accordance with Procedure Rule 9.3, Mr Rowlatt, the Agent, had registered to speak in support of the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix B.

In accordance with Procedure Rule 9.3 Mr Reece from Wye with Hinxhill Parish Council, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix C.

Resolved:

The Council cannot issue a formal decision so the following represent the deemed reasons for refusal that the appeal will be contested upon:

1. The proposed scheme, would result in the over development of the site, which as a result of the number of units, layout, scale and design would not conserve or enhance the character of the site nor surrounding Kent Downs Area of Outstanding Natural Beauty, causing harm to the character of the AONB and resulting in an unsustainable form of development. The proposal would be harmful to the visual amenity of the area. This would be contrary to the provisions of Policies SP1, SP6, HOU3a, HOU5, ENV3a & ENV3b of the Ashford Local Plan 2030, Policies WNP1a, WNP1c, WNP2, WNP6, WNP8 and WNP11 of the Wye Neighbourhood Plan and the provisions of the National Planning Policy Framework.
2. In the absence of a completed S106 Obligation relating to the infrastructure contributions required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policy IMP1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
3. A completed legal obligation has not been provided to secure the identified highways works considered necessary to provide a safe highways environment in the vicinity of this site leading to concerns about highway safety. This would be contrary to the provisions of policies HOU3a and HOU5 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate that the proposed infiltration drainage scheme would not harm groundwater sources, contrary to the provisions of Policies ENV8 and ENV9 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
5. Insufficient information has been submitted to demonstrate that the translocation of reptiles to the Grazing Meadow could be implemented in a manner that would satisfactorily compensate for the loss of existing habitat. This would be contrary to the provision of Policy ENV1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.

And:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority, in consultation with the Director of Law and Governance, to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

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 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 by submitting amended plans, which did not address all the outstanding issues and an objection is proposed
- 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	19/01330/AS
Location	Former ADAS Offices, Olantigh Road, Wye, Ashford TN25 5EL
Parish Council	Wye with Hinxhill
Ward	Wye with Hinxhill
Application Description	Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space

Applicant	Tele property Investments Ltd		
Agent	Union 4 Planning		
Site Area	2.67ha		
(a) 34/4 R	(b) R	(c) KCCH&T X;KCCE X; KCCH X;KCCLLFA X; KCCDC X,OS X, EH X; AONB/X, SW X	

The Senior Planner gave a presentation on this application.

In accordance with Procedure Rule 9.3, Mr Judge, a local resident, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix D.

In accordance with Procedure Rule 9.3, Mr Rowlatt, the Agent, had registered to speak in support of the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix E.

In accordance with Procedure Rule 9.3 Mr Reece from Wye with Hinxhill Parish Council, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix F.

Resolved:

The Council cannot issue a formal decision so the following represent the deemed reasons for refusal the appeal will be contested upon:

1. The proposed scheme, would result in the over development of the site, which as a result of the number of units, layout, scale and design would not conserve or enhance the character of the site nor surrounding Kent Downs Area of Outstanding Natural Beauty, causing harm to the character of the AONB and resulting in an unsustainable form of development. The proposal would be harmful to the visual amenity of the area. This would be contrary to the provisions of Policies SP1, SP6, HOU5, ENV3a & ENV3b of the Ashford Local Plan 2030, Policies WNP1a, WNP1c,WNP2, WNP6, WNP8 and WNP11 of the Wye Neighbourhood Plan and the provisions of the National Planning Policy Framework and National Planning Practice Guidance
2. The proposed scheme would adversely affect trees within and adjacent to the site through either their loss or as a result of close proximity to proposed housing to them and the resultant likely pressure to prune/crown lift that will cause harm to the trees future potential. Insufficient evidence has been

provided to justify such works that result from the over development of the site. This would be to the detriment of the visual amenity of the site and surroundings. This would be contrary to Policy ENV3A of the Ashford Local Plan 2020, Policy ENP2 of the Wye Neighbourhood Plan, the AONB Management Plan and the provisions of the National Planning Policy Framework.

3. In the absence of a completed S106 Obligation relating to the infrastructure contributions required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policy IMP1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
4. A completed legal obligation has not been provided to secure the identified highways works considered necessary to provide a safe highways environment in the vicinity of this site leading to concerns about highway safety. This would be contrary to the provisions of policies HOU3a and HOU5 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

And:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority, in consultation with the Director of Law and Governance, to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

Note to Applicant

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- 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 by submitting amended plans, which did not address all the outstanding issues and an objection is proposed
- 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	19/01669/AS	
Location	Smallhythe House, Tawney Bank, Oakengates, Woodberry and Micken Lodge, Smallhythe Road, Tenterden, TN30 7LN	
Town Council	Tenterden	
Ward	Tenterden South	
Application Description	Redevelopment to form 53 no. apartments for older people (60 years of age and/or partner over 55 years of age), guest apartment, communal facilities, access, car parking and landscaping.	
Applicant	Churchill Retirement Living	
Agent	Planning Issues, Churchill House	
Site Area	0.64 ha	
(a) 133/23R 4G	(b) S	(c) KCCH/X KCCE/X , KCCA/X, KCCLLFA/X, KCCDC/R, Kent F&R/X, AONB/+, ABCH/R, ABCEP/X, ABCSOS/X, NHS/X, HE/X, SW/X

The Senior Planner gave a presentation on this application. The Senior Planner also referred to paragraphs 86 and 91 of the report and clarified that the payment towards Section 106 contributions of £531,591 had been put forward by the applicant's consultants, not the Council's independent advisers. The latter had advised the Council that the development could make a payment of £554,900, although the difference was small and if the lower sum were accepted this would be on the proviso that there would be a deferred contributions arrangement to "claw back" further contributions if the development's viability improves.

In accordance with Procedure Rule 9.3, Mr Walker, a local resident, had registered to speak in objection to the application. Due to technical difficulties, he was unable to join the meeting and therefore his speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix G.

In response to a question about Tenterden Town Council's apparent support for the application, the Team Leader Planning Applications clarified that its statement of support was in-principle only, as it had raised a large number of concerns on the details.

Resolved:

An appeal has been lodged against the non determination of this application and therefore the Council cannot issue a decision. The following represent the Council's deemed reasons for refusal to be contested at appeal:

1. The scale, design and mass of the proposed scheme, in combination with the loss of green and open space around the front of the site would result in a scheme with a cramped, bulky and poor appearance that would be harmful to the visual amenity of the area and urbanise the semi-rural feel to this part of Smallhythe Road. As a result it would also adversely impact upon the character of the setting of the adjacent High Weald AONB and Tenterden Conservation Area, contrary to the provisions of Policies SP1, SP6, HOU3a, ENV3a, ENV3b and ENV13, of the Ashford Local Plan, the High Weald AONB Management Plan and the provisions of the National Planning Policy Framework.
2. In the absence of a S106 Obligation providing for infrastructure payments to mitigate the harm generated by the development the scheme would be contrary to the provisions of Policies COM1, IMP1 and IMP2 of the Ashford Local Plan 2019 and the provisions of the National Planning Policy Framework.

And:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority in consultation with the Director of Law and Governance to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

Note to Applicant

1. Working with the Applicant

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- 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 with the opportunity to submit amendments to the scheme/address issues,
- the applicant/agent responded by submitting amended plans which did not address all the outstanding issues, and permission is recommended for refusal
- The application is being considered by the Planning Committee where the applicant/agent has the opportunity to speak to the committee and promote the application.

Application Number	19/01597/AS
Location	Home Plus, Beaver Road, Ashford, Kent, TN23 7RR
Ward	Victoria
Application Description	The erection of 216 residential units comprising 207 apartments and 9 townhouses (C3) and commercial floorspace comprising 3 commercial units (Units A, B and C) for a flexible range of uses (A1, A3, A4, A5, B1, D1 and D2) and roof top restaurant, with associated access and landscaping..
Applicant	A Better Choice for Property Developments
Agent	Emma Hawkes – DHA Planning
Site Area	9093 sqm

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- (a) 7/4R (b) - (c) SACF-R, EA-X, KF&R-X, KP-X, SW-X, KCCF&WM-X, KCCH&C-X KCCH&T-X, KCCED-X, , ABCEP-X, ABCE&S-R, ABCH-X,

It was agreed by consensus that application 19/01597/AS – Home Plus, Beaver Road, Ashford be withdrawn from the agenda.

Application Number	19/01788/AS
Location	Land between Woodchurch Road and, Appledore Road, Tenterden, Kent
Parish Council	Tenterden
Ward	Tenterden South Ward
Application Description	a) Outline application for the development of up to 250 residential dwellings (40% affordable) including the creation of access points from Appledore Road (all modes) and Woodchurch Road (pedestrian and cycle only), and creation of a network of roads, footways, and cycleways through the site. Provision of open space including children's play areas, community orchards, sustainable urban drainage systems, landscape buffers and green links all on 12.35 ha of the site. (Matters for approval: Access) b) Full planning permission for the change of land use from agricultural land to land to be used as a country park (8.66 ha), and land to be used as formal sports pitches (3.33 ha), together with pavilion to serve the proposal and the surrounding area. Including accesses, ancillary parking, pathways, sustainable urban drainage systems and associated landscaping.
Applicant	Wates Developments Limited, Wates House, The Mill House, Station Approach, Cackle Street, Leatherhead, KT22 7SW

Agent	Judith Ashton Associates, The Mill House, Station Approach, Cackle Street, Leatherhead, Brede, East Sussex, TN31 6EA		
Site Area	24.45 hectares		
(a) 350 (approx) R 5 S	(b) Tenterden R Appledore R Orlestone R Woodchurch R	(c)	ABC Cultural services X, ABC EDO X, ABC EP X, HM X, Ashford Access X, BHS X, HWJAC X, KCC DCU X, KCC Ecology R, KCC Flooding X, Kent Fire X, KCC Heritage X, KHS X, NHS X, Ramblers X, KCC Minerals X, POL X, KCC PROW X, KRAG, KWT R, UK Power X, Gas X, TDRA R, WKPS R, WT R.

The Senior Planning Officer gave a presentation on this application.

In accordance with Procedure Rule 9.3, Mr Masefield, a local resident, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix H.

In accordance with Procedure Rule 9.3, Mr Crawford from Tenterden Town Council, had registered to speak in objection to application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix I.

Resolved:

Refuse

1. The proposal would be contrary to policies SP1 and SP2 of the adopted Ashford Local Plan 2030. The application proposal would significantly increase the number of dwellings to be provided in Tenterden considered alongside the existing residential allocations and commitments referred to in the adopted Ashford Local Plan 2030. The scale of development that is proposed runs counter to the adopted spatial strategy enshrined in policy SP2 and would undermine the carefully considered and independently-examined and accepted approach to the sustainable distribution of housing development across the borough to 2030.
2. The proposals would be contrary to policies HOU5, SP1, SP6 and ENV3a of the adopted Ashford Local Plan 2030 in that the proposals would involve a large

scale, intensive residential development on undeveloped land forming part of a strongly rural edge that, in its undeveloped state, contributes positively to the landscape setting of the south-east side of Tenterden. The proposals would not sit sympathetically within the wider landscape, preserve or enhance the setting of the settlement or be consistent with local character and would result in harm to the character and appearance of the surrounding area

3. The proposed western site access would result in the loss of two mature trees located on Appledore Road within and at the entrance to the Tenterden Conservation Area. These trees are a component part of the visual character of Appledore Road as it enters Tenterden and their loss would be detrimental to the character of Appledore Road and harmful to the character of the conservation area, contrary to policies ENV14, SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.
4. The proposed eastern site access would result in the loss of a mature tree located along the Appledore Road. The tree forms a component part of the visual character of the street and its loss would be detrimental to the character of the area contrary to policies SP1 and SP6 of the adopted Ashford Local Plan 2030. It is not considered that this detrimental impact can be adequately mitigated.
5. The supporting documents with the application fail to satisfactorily evidence that the quantum of residential development for which permission is sought could be realistically delivered on the site in the area shown in a manner that would ensure that (i) occupiers would be provided with acceptable minimum levels of amenity and privacy and (ii) sufficient space would be available for policy TRA3(a) compliant levels of car parking provision distributed spatially in a manner that would achieve its sensitive integration as part of high quality place-making. The proposal would therefore be contrary to policies SP1 and SP6 of the Ashford Local Plan.
6. The proposals would not preserve or enhance biodiversity as it is considered the proposed ecological mitigation measures would be unlikely to be able to be successfully implemented alongside the quantum of development for which permission is sought. The application would be likely to result in a loss to biodiversity contrary to policies HOU5 (e) and (f vi) and ENV1 of the adopted Ashford Local Plan 2030.
7. Policy IMP4 of the adopted Ashford Local Plan 2030 requires proposals that would deliver substantial community space and facilities to be supported by a clear governance arrangement. It is not clear from the application what the Land Trust's expertise is in managing sporting facilities similar to those which are proposed and how the local community would benefit from the facilities. Accordingly, the proposals are not considered to fully satisfy the requirements of policy IMP4 of the adopted Ashford Local Plan 2030.

8. In the absence of a unilateral undertaking, the proposal fails to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development and, therefore, the proposal is contrary to Policies IMP1 and HOU1 of the Ashford Local Plan 2030.

Note to Applicant

1. Working with the Applicant

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- 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 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.

Application Number	20/00837/AS
Location	2 Marlborough Way, Kennington, Ashford, Kent, TN24 9HH
Parish Council	Kennington
Ward	Kennington Ward
Application Description	Two storey extension

Applicant	Mr Stevens, 2 Marlborough Way, Kennington, Ashford, Kent, TN24 9HH		
Agent	Mr J Tweedie, 99 Sandyhurst Lane, Ashford, Kent, TN25 4NU		
Site Area	0.02 ha		
(a) 5/-	(b) X	(c) -	

Resolved:

Permit

Subject to the following Conditions and Notes:

(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).

1. Standard time condition
2. Materials to match existing
3. Provision of additional parking space and retention thereafter
4. Development carried out in accordance with the approved plans
5. Approved development available for Inspection

Note to Applicant

1. Working with the Applicant

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- 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.

Application Number	20/00304/AS
Location	Eastern Park of Site of Pluckley Brickworks, Station Road, Pluckley Kent
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Erection of 6 residential dwellings with access off Station Road, together with associated parking and landscaping
Applicant	Riverwood Homes
Agent	DHA Group
Site Area	0.40ha

(a) 60/ 20R 2+ (b) S (c) KCCH/X,KCCE/X, ABCEP/X, ABCSOS/X, ABCTO/+, NR/X, SW/X,

The Senior Planner gave a presentation on this application.

In accordance with Procedure Rule 9.3, Mrs Salisbury, a local resident, had registered to speak in objection to the application. She dialled into the meeting to address the Committee and her speech as submitted in advance of the meeting is attached to these Minutes at Appendix J.

In accordance with Procedure Rule 9.3 Mr Wood, the applicant, had registered to speak in support of the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix K.

In accordance with Procedure Rule 9.3, Mr Newman from Pluckley Parish Council, had registered to speak support of to application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix L.

The Ward Member attended and spoke in support of the application.

Resolved:

Permit

Subject to the following Conditions and Notes:

(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).

1. Time limit
2. Materials, including windows/doors
3. Hard and Soft Landscaping, including fencing details
4. Submission of a Construction Management Plan
5. Completion and maintenance of the vehicular access prior to first occupation
6. Provision and retention of parking spaces and car ports for specified purpose in perpetuity
7. Removal of pd rights to install garage doors to the car ports or otherwise make changes to reduce the size of the car ports or prevent their use for parking
8. Removal of pd rights for house extensions and detached garden buildings
9. Provision and retention of cycle parking facilities in perpetuity
10. Details regarding the provision of electric charging points
11. Ecological mitigation and enhancements
12. Details of refuse collection points
13. Prior to commencement details regarding identification of potential contamination on site and any mitigation required pursuant to the finding of

such. To include strategy if unidentified contamination is found during construction

14. SUDs and surface and foul water disposal
15. Tree protection during construction
16. Carry out in accordance with approved plans
17. Available for inspection (enforcement condition)

Note to Applicant

1. Working with the applicant

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- 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 was informed how the proposal did not accord with the development plan, and that no material considerations are apparent to outweigh these matters and was provided the opportunity to provide further justification in support of it.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: <https://.ashford.moderngov.co.uk>

Appendix A – Mr Judge

Thank you for offering me the opportunity to speak about this application. I have been a resident of Wye for 13 years together with my family. I'm an architect with my own practice based in Wye. I'm also secretary of the Wye Village Design Group. Our group wrote the Wye Village Design Statement, adopted by ABC as supplementary planning guidance for Wye. I also maintain an active interest in significant development proposals for Wye and support the Parish Council in a voluntary working group, to help them consider important planning applications in the Parish.

I applaud the new planning officer for preparing a thoroughly researched, well considered report to this committee. I echo many of the valid points she has made, and agree with her recommendation of objection. This application represents only a portion of the Wye College land now owned by Telerial Trilliam (TT) and known as WYE3. The Parish Council and Village Design Group have longed campaigned for the sustainable redevelopment of the WYE3 landholding. For it to be considered first as a well-researched, holistic Masterplan, sensitively integrated into the village and AONB context. This vision was enshrined in the policies of the adopted Wye Neighbourhood Plan (NP). TT's draft Masterplan has not been agreed by the Wye community and has not been formally adopted by ABC. The Village Design Group submitted a detailed review of their Masterplan to ABC in September 2017, including this Occupation Road site proposal. Most of the design and planning points made in our review then, remain valid today.

I therefore agree with the planning officer assessment that given the minimal affordable housing proposed by the applicant here, this scheme represents overdevelopment of the site. The design fails to follow guidance in the NP and Masterplan consultation; that the density of development should grade out from the large block of the Wye School building to the west, towards the rural weather station and Strawberry Fields to the east. Also, the new southern road and municipal landscape strip is unnecessary and poorly designed. The scheme illustrates uninspiring, traditional housing designs distributed about a generic suburban road layout. The layout is unimaginative and fails to create a sense of place or reflect the historic pattern of development in Wye.

So please follow the excellent advice of your planning officer and for the purposes of the upcoming Planning Inquiry, resolve to object to this application.

Appendix B – Mr Rowlatt

Good evening Members and thank you.

As agents for the Applicant- Telereal Trillium, we speak in support of the above proposal. The scheme before you proposes high quality housing, on a long term vacant, brownfield site, in line with Government requirements to direct development to previously developed land. The scheme has raised no objections from the statutory consultees consulted, including KCC Highways and the AONB unit and accords fully with the draft masterplan for the wider Wye area, which identifies 40 residential units for this site.

Existing development on site comprises brick buildings on the northern part of the site, previously used for horticultural research, and glass houses, constructed some 30 years ago, on the rest of the site. The latter are permanent brick and glass structures, used for research purposes by Wye College and until recently, by Wyebugs, until their relocation to premises on the southern side of Occupation Road. Redevelopment will enable the removal of this significant built footprint and replacement with 40 high quality family homes.

The application is supported by a full Landscape Visual Impact Assessment and Landscaping Masterplan which demonstrate that the development would fit into its setting without impact on the AONB. Existing development to the southern side of Occupation Road extends significantly further east than the proposals before you, therefore the scheme does not encroach into the AONB beyond the existing line of development.

Whilst not yet adopted, the draft Masterplan carries significant weight, following cabinet approval in October 2019. The proposal fully accords with this draft Masterplan.

As with the ADAS site, the layout has been informed by, and is supported by KCC Highways, providing the minimum possible road widths and bends to accommodate service vehicles, whilst ensuring limited areas of hardstanding and a village aesthetic, to be in-keeping with the character of this semi-rural location.

The design of the site focuses on higher density and terrace properties towards the western side of the site, with lower density development towards the eastern end, as you approach open countryside. Each building is designed to reflect the character and materiality of dwellings within Wye, so as to fit seamlessly with the context. At just 12.4 dwellings per hectare, the density of the scheme is very low, in keeping with this village location, therefore it is not considered that overdevelopment can be a justified reason for refusal.

We hope you feel able to support this high quality application and conclude that had you been able to do so, you would have granted permission. Thank you

Appendix C – Mr Reece

Thank you for this opportunity to speak. You have the benefit of a clear and thorough analysis before you. The Parish Council agrees with the officers' recommendation to refuse. Your decision tonight will inform the forthcoming Public Inquiry on all three WYE3 sites. This process offers the prospect of a strategic resolution of many intractable issues, and the Parish Council will work with your officers in this endeavour. It may be comforting to know that a retired Director of Planning described WYE3 as the most complex site that he had encountered in his entire career. However, these complexities are for the Inspector to balance and resolve. Tonight, I will emphasise two strong grounds for refusal:

Piecemeal development

The known complexity of WYE3 justified the Tenterden and Rural Sites DPD policy requirement that '*...a masterplanning exercise encompassing all of the WYE3 area shall be undertaken in order to establish the nature, scale, location and mix of any alternative uses to deliver a high quality, mixed use development...*' Today the Wye Neighbourhood Plan (WNP) carries that key requirement forward as an integral part of the Borough's Development Plan.

Yet the applicant refused to follow policy and insisted on a piecemeal approach. Clearly this tactic aims to reduce development costs, avoid proper scrutiny of the combined impacts and harms to the AONB, and minimise or avoid the provision of community facilities and environmental benefits. To give just one example of the harms of piecemeal development, the Report (para.85) highlights how splitting 60 units on two sites avoids the green space provision threshold of 50 units. Whereas the WNP policy requires a comprehensive approach to the WYE3 site precisely to achieve the opposite outcome: an equitable result for the community and environment, within a viable and sustainable development.

Affordable housing

The WNP is clear: WYE3 site policies support a development that provides affordable housing. Please let the Inspector consider the affordable housing potential across WYE3, and in the context of HOU1.

In summary, the appellant's flawed and unadopted Draft WYE3 Masterplan is a fundamental obstacle: it did not conform to WNP policy and is subject to legal challenge. This application is contrary to thirteen policies, listed in the recommendations before you.

Therefore, please accept your officer's recommendation to refuse. Going forward, this decision will enable the issues and combined impacts to be considered at the Inquiry, and shape a future application on this site.

Appendix D – Mr Judge

Thank you again for offering me the opportunity to speak about this separate application, that is also part of the overall WYE3 landholding. Again, I thank the new planning officer for preparing a thoroughly researched, well considered report to this committee. I echo many of the excellent points she has made, and agree with her recommendation of objection.

This application represents a smaller part of the WYE3 site but for me and many other well informed people in Wye, it is much more controversial. TT previously attempted to leverage the potential Permitted Development of 52 units in a conversion of the derelict existing building to justify the alternative new build of 20 houses. I reiterate that the design points made in the Village Design Group review of the TT draft Masterplan in September 2017, are relevant today for these particular proposals at ADAS. The scheme before you remains as 20 private family houses, randomly distributed in a suburban layout with, again, no affordable housing provision.

Wye's character as a thriving, concentric and walkable settlement is important. Our strength of community is sustained by the numerous conversations and interactions people have when walking about the village. Nevertheless, we know in Wye that busy residents will often choose to drive to destinations more than 5mins walk away. So; new housing on the ADAS site would erode the character of Wye as a concentric walkable village, because residents here would almost always use their cars to access central village facilities, that would be 800m to 1km from their house.

As with the Occupation Road proposals, the design of the houses and the inappropriate suburban layout is unimaginative and does not create an appropriate sense of place in the historic woodland setting. It is therefore, inconsistent with the guidance provided in the NP and Village Design Statement. The design does not 'propose to enhance or improve the network of footpaths & cycle paths, through the village', both key elements identified – by the applicant – in the masterplan design workshop; necessary to achieve improved connectivity and also to assist in promoting the concept of the walkable village.

And finally; the over-developed layout conflicts with the RPA of established trees and will result in unnecessary incursions into those areas, causing further harm. So again; please follow the excellent advice of your planning officer and for the purposes of the upcoming Planning Inquiry, resolve to object to this application.

Appendix E – Mr Rowlatt

Good evening Members and thank you. As agents for the Applicant- Telereal Trillium, we speak in support of the above proposal.

The scheme before you proposes much needed high quality housing, on a long term vacant, brownfield site. The scheme has raised no objections from the statutory consultees, including KCC Highways and the AONB unit. This is a site that officers have concluded is acceptable in principle for housing.

Whilst an Appeal would always be the applicants last resort, unfortunately we were left with no option other than to submit against non-determination as the application was out of time and with no commitment to a future committee date.

Redevelopment will enable the removal of the unattractive office building currently on site and its replacement with 20 family homes, for which there is an urgent need. Other than a small area of garden land at the eastern edge, the development will barely extend beyond the existing area of built development and hardstanding. The redevelopment would see a reduction in built floorspace at the site.

The application is supported by a full Landscape Visual Impact Assessment and Landscaping Masterplan which demonstrate that the development would fit into its setting without impact on the AONB. The site is in a sustainable location, will provide new footpath links and is 'walkable' from the village centre and amenities, with the majority of shops and facilities being well within 800m.

The design of the site has been informed by the Masterplan process, which included input from the Council and all interested stakeholders. The layout is supported by KCC Highways, providing the minimum possible road widths and bends to accommodate service vehicles, whilst ensuring limited areas of hardstanding and a village aesthetic, to be in-keeping with the character of this semi-rural location.

The design of the site and individual buildings draws on existing buildings throughout Wye and the wider area, including the grouping of houses around a green, hipped and catslide roof forms, bay windows and the use of materials common to the area, including red brick, clay tiles and timber weatherboarding. At just 8.4 dwellings per hectare, the density of the scheme is very low, in keeping with this village location, therefore it is not considered that overdevelopment can be a justified reason for refusal.

The application was also supported by an arboricultural report which identifies those trees which require removing and confirming that none of them were Grade A quality. It also sets out tree and root protection measures during construction, all of which would be secured by condition. We hope you feel able to support this high quality application and conclude that had you been able to do so, you would have granted permission. Thank you.

Appendix F – Mr Reece

Thank you again for this opportunity to speak. You have the benefit of another clear and thorough report before you, and again, the Parish Council agrees with the officers' recommendation to refuse.

Both WYE3 sites share the same grounds for objection. These include overdevelopment, the absence of affordable housing, numerous policy departures, harms arising from piecemeal development, traffic impacts, and the failure to provide public facilities, greenspace or environmental benefits, or conserve or enhance the AONB landscape. Of these many shortcomings, the lack of affordable housing provision is particularly egregious. Wye Neighbourhood Plan (WNP) Objective 5 and policy WNP5 seek to integrate 'local needs' housing provision within the affordable housing allocation on WYE3. Yet the appellant refused to discuss the issue with the Parish Council on every occasion. Nor would the appellant consider the evidence in the 2013 and 2018 Housing Needs studies initiated by the Parish Council and funded by Ashford Borough Council.

The ADAS site proposal stretches suburban overdevelopment well beyond the confines and into the countryside, with visual impacts on the AONB and landscape setting of the adjacent Grade II Olantigh Park.

The Report refers to 'procedures' 'undertaken' 'as part of the Masterplan process. Throughout this process the appellant relied on permitted development (PD) fallback to block any discussion of alternative uses for the site. As the non-determination of 18/01009/AS confirms, the appellant obtained PD rights under the false pretext that the site was eligible for B1a conversion to residential, whereas it has no fallback. Protected dormice live on ADAS, and the site connects to ancient woodlands and the Wye National Nature Reserve. The English dormouse population has halved since 2000, and habitat loss and fragmentation of the type proposed are factors in this decline, but the essential mitigation measures remain unresolved.

WNP policies seek a comprehensive approach to the WYE3 site, and an equitable outcome for the community and environment, within a viable, sustainable development. ADAS and Occupation Road comprises less than a third of the area of WYE3, but the appellant's piecemeal approach prevents any cross-subsidy opportunities from the rest of WYE3, and hides cumulative impacts.

In summary, this application is contrary to fourteen policies. Therefore, may I again ask you to accept your officer's recommendation to refuse. Although this scheme went to appeal without warning during active consultation, the inquiry now offers a positive way forward, and the Parish Council will support your officers.

Appendix G – Mr Walker

Good Evening

I trust the committee have had the opportunity to read all my previous comments as there is not enough space here to repeat them and they still remain very relevant. My property, Langley is immediately adjacent to the site and so I am seriously, adversely affected by the proposal.

Although the amended plans from Churchill suggest that they have made an attempt to reduce the impact of the development on my property, such reduction is in fact only very small and insignificant.

In terms of overall height, only a small section of the central roof, seen on elevation FF, has been lowered. The height of the windows has not been altered and the number of windows has only been reduced from 50 to 48. As I say, totally insignificant and I feel, rather cynical on the part of the developer.

No attention has been paid to my objection to the bin store being sited opposite my bedroom window and my original comments still apply in full.

Even though the Planning Officer's report suggests that the new building will be far enough away from my property, the sheer scale of the slab block proposed, and that is what it is, a slab, will have a significant adverse effect on me. The proposed fencing and planting will only mitigate this effect from the ground floor of the block, the upper two stories will not be affected at all.

I understand that the committee cannot at this stage make a decision as an appeal is pending but I urge you to consider my position as a local resident living on the fringe of this lovely town. Which the developer is seeking to spoil.

Thank you.

Appendix H – Mr Masefield

I represent 470 mostly resident objections to this development, as opposed to just 9 who favour it. The site lies in the Woodchurch Undulating Farmlands Local Character Area, and is designated by Natural England, within the Government's 25-year environment plan, as part of their National Habitat Network.

It provably contains, on the actual building site, *neutral unimproved grassland* noted in the High Weald Management Plan as 'of national importance', and as unable to be re-created elsewhere. A number of veteran oak trees protected by the NPPF are described by the Woodland Trust in their objection as threatened by miscalculated root protection data, with the loss of more mature trees proposed on the Appledore Road. Additionally, Kent and Medway Biological Records Centre holds records for the site of 31 Red and Amber list protected bird species, with 12 mammal, reptile and amphibian species protected under Section 41 of the National Environment and Rural Communities Act – including assemblages of great crested newts and slow worms 'of county importance'.

In their two objections to the application, Kent Wildlife Trust describe information supplied by Wates's ecological consultant, EPR, as 'disingenuous and misleading', in claiming that their ecological mitigation strategy will 'minimise impact and provide a net gain for biodiversity', as required by paragraph 170d of the NPPF, and by the Local Plan. Indeed, KWT's own expert calculations demonstrate a significant net loss of biodiversity in contravention of the planning requirement.

Further damage to the environment is evident from the applicant's plan to pipe approximately half the surface water from the site beneath Appledore Road into the protected ancient woodland stream of Tilder Gill, which is already being eroded during heavy rainfall by surface water from Tent 1A, with much more to come from the Redrow development at the head of the stream.

Of equal concern is the destruction or incursion by the intended development of a medieval field system with hedgerows dated to the 16th century. Also of a ridge-and-furrow survival with the ancient Gallows Green site (both recorded by KCC as 'of heritage interest').

Previous planning appeals were refused due to 'impact on landscape and significant encroachment into countryside'. Add to all of this an already overloaded local sewerage system, the risk of light pollution and a serious water shortage in the region – and it must be obvious why we consider this application to be ecologically and historically destructive, unsustainable and locally unacceptable.

Appendix I – Mr Crawford

Tenterden Town Council has objected in the strongest possible terms.

In summary, this car dependent application encroaches into Tenterden's Wealden landscape, and does not grow or innovate the long-term local economy.

This site has been rejected by previous appeal inspectors and more recently the Local Planning inspectors.

This application contravenes ALP's Tenterden vision to:

“conserve and accommodate development of a suitable scale, design and character”,

which has to be:

“limited, phased and very carefully planned”.

Some HOU5 non-compliance examples:

- a) We support the ALP allocated sites for Tenterden and windfall trajectory for Ashford Borough. So far Tenterden has permitted more windfalls than would have been expected.
However, a windfall of 250 dwellings out of the total 1,000 required by 2030, is totally disproportionate with our rural market town size and could not be absorbed. This large speculative windfall application would have a corrosive effect on the town and community.
- b) This application shows walking distances as the “crow flies” – no bearing on reality.
- c) There are numerous traffic congestion pinch points with on-street parking towards the high street, resulting in gridlock during school runs and rush hour. Warehorne and Orlestone Parish Councils are concerned with cumulative impact on them, potentially resulting in more local accidents.
The local A28 congestion will become intolerable, as KCC Highways have no road improvement plans.
- d) It is recognised there is no strategic transport infrastructure nor is there affordable and frequent public transport for commuting. Cycling routes are predominately for exercise and leisure. Private transport will be the main mode of transport due to convenience, cost and speed.
ALP Para 2.66 states: “transferring major housing growth from Ashford to the rural parts of the borough, should be avoided due to unsustainable transport.”
This is reinforced by NPPF Para 103.
- e) This application is intrusive and insensitive with the landscape setting. Jacob's assessment LCA23 states this site should be “conserved” – the highest rating. ENV3a Para 9.43 stipulates that new development should not compromise or damage designated LCAs.

In conflict with SP6, an inappropriate “Town Centre” vernacular is being proposed with a density of 46 dph compared to the surrounding dph of low teens. This overbearing development would permanently annihilate the attractive, tranquil and local rural character and countryside setting. It would devastate the iconic landscape views towards St Mildred’s Church.

NPPF Para 170 makes clear that intrinsic character and beauty of the countryside should be protected.

Appendix J – Mrs Salisbury

I am speaking on behalf of 14 households who live close to the site and who would be impacted should the development go ahead. They all objected to this application. We are aware that in opposing this application we are at odds with our Parish Council which is worried that, if refused, a future application would be for many more homes, plus they wish to secure ownership of the adjacent field, hence their request for approval.

We believe that second-guessing the future of the site is not giving proper consideration to the current application. Any future applications, no matter how large, must also be determined using the same policies being considered for this application. There is also no legal certainty over the proposed transfer of land from the applicant to the Parish Council.

It was previously promised when the original Brickworks application was submitted but for some reason the transfer did not happen. The transfer of land is not part of the application and should not form part of these discussions. Although these issues are central to the Parish Council's support, we strongly believe that the priority today is to respect national and local planning policies. There are important planning reasons why the application should be refused, including; The application is not only contrary to Pluckley's Neighbourhood Plan (approved by 88% of residents) but is also contrary to both the National Framework and Ashford's Local Plan.

Determination should be in accordance with the Development Plan, unless material considerations indicate otherwise. No material considerations have been submitted. If the Development Plan is over-ridden, it would seriously damage the confidence of everyone who participated in its preparation. It is outside the Village Settlement Area and is therefore to be considered under Policy HOU5. Pluckley Station is not identified in that policy and the application does not comply with any of its criteria. It fails to comply with the definitions within Policy H1A of the PNP.

The site is not sustainable - being 2km from local services on a very busy road with no footpath and has not previously been developed, so there is no presumption in favour of its development. The pile of spoil mentioned in paragraph 36 is 'clean' topsoil delivered in 2019 to cover contaminated land further within the site. We strongly believe that this application should be considered on its merits and in relation to existing planning policy.

We ask that Councillors respect the recommendation of the planning officer to refuse the application which is contrary to national planning policy and directly at odds with the Development Plan. Thank you.

Appendix K – Mr Wood

Riverwood purchased the brickwork's in September 2017 with the intention of implementing the existing planning consent.

The council's vision for this site was to create 25 executive homes. This is a fantastic site with amazing amenity, adjacent to the mainline train station. However, this sector of the market has been adversely affected by changes to stamp duty and the ongoing uncertainty surrounding Brexit.

Following the demolition works, significant asbestos contamination was encountered. 3 years later and circa £1.2m, the site has been largely decontaminated with an agreed remediation strategy.

Consequently, the scheme is unviable, and we have been working in collaboration with the Parish Council and Ashford's Planning department for over 2 years, with this solution that you are considering today. The proposed additional homes unlock value that will overcome the viability issues and enable us to bring forward the wider project. The Parish Council fully understand this and fully support the application.

We amended the proposals on 3 occasions following feedback from the planning department and were assured (in writing) that they supported the principle of the development and that policy HOU3A applied. The committee report now says that HOU3A does not apply. This is not as clear cut as this as there is a dotted line of new confines which can be seen in figure 7 of your committee report. The new confines is intended to account for the Pluckley Brickworks site coming forward. These units in the application before you in part fall within the new confines on that dotted line. I have also made a material start to the Pluckley Brickworks site so consider the new confines apply. The remainder should be considered as windfall infill units.

We are shocked that the planning department have seemingly changed their mind and no longer support the application. I understand this was a very finely balanced view and that officers disagree between them on the recommendation. This puts into question the planning process and in particular the officer's comments in the report about working with the application and Ashford's positive and creative approach.

Without the additional homes, we cannot deliver the wider site. Every month that we are delayed we incur interest costs of £17,000, further affecting the viability of the development of the site.

We therefore respectfully urge members to please support this application, as Pluckley Parish Council and ward councillor do, and help us deliver the wider development.

Appendix L – Mr Newman

This site has been a planning problem for many years. The Parish Council supports this application.

We are told by Officers this application could be determined either way and we understand they were in two minds. Local Plan and Neighbourhood Plan both allow interpretation either way. The Officer recommends refusal on the grounds that the site is outside the Settlement Area and there are no material considerations to override this. The site is actually partly within, partly outside and is surrounded on three sides by Settlement Area. The Local Plan (para 6.52) specifically allows for 'windfall' in these circumstances.

There are material considerations to justify supporting. If approved, the developer will transfer the species receptor site to the community to establish a Nature Reserve. Moreover, which the Officer's report does not mention, that transfer includes a covenant that the remaining bulk of this field cannot be developed without Parish Council approval. The conveyance, with covenant, is already in the hands of our solicitor awaiting this planning decision. We consider the benefits of the Reserve and the capping of development here to just a small part of the field are a material benefit. Because they are not formally part of the application, the Officer has not attached weight to them. We feel this misses the reality of the situation. The conveyance and its covenant protect the biodiversity enhancement and offer the green buffer the Officer recommends.

This site is by the station. The Officer advises it is no longer 'brownfield'. Subsequent advice from Officers is that it could be interpreted either way. 'Brownfield' or not, it is vulnerable to development.

All six homes have been designed to be suitable for elderly down-sizers – which is what the village says it wants. In all other respects, the Officer finds the development acceptable.

A minority of residents have opposed but many more in the village have advised us they support. We believe these houses, and the consequent capping on further development, at long last represent a sensible solution for the Brickworks site. Mr. Cole has advised us that it is likely that once the rear, already approved, site is developed, this site will be within the Settlement Area.

So, if it is going to be developed sometime anyway, it seems pragmatic to do so now in a controlled manner and one that offers significant benefit to the community. We ask the Committee to approve.