

## Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on 21<sup>st</sup> April 2021.

### Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Cllrs. Anckorn, Chilton, Clokie, Forest, Harman, Howard, Howard-Smith, Iliffe, Ovenden, Shorter (ex-Officio, non-voting), Sparks, Wright.

### Apologies:

Cllr. Walder.

### Also Present:

Cllrs. Farrell, Knowles, C. Suddards.

### In Attendance:

Head of Planning and Development; Team Leader (Placemaking); Planning Consultant; Team Leader (Planning Applications); Planning Officer; Planning Officer; Principal Solicitor (Strategic Development); Member Services Manager (Operational); Member Services and Ombudsman Complaints Officer.

## 305 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.	
Burgess	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 the Tenterden and District Residents Association.	
Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council.	309 – 19/01597/AS 21/00442/AS
Forest	Declared that he was Portfolio Holder for Culture, Tourism and Leisure. As such, he had a	309 – 21/00249/AS

connection with the leisure centre, but not with the applicant who was the centre operator, and he had not provided comments or opinion on the application.

Shorter	Declared that the agent was known to him as an ex-employee of the Council, although not as a personal friend, and he had no pecuniary interests in the application	309 – 20/00767/AS
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## **306 Public Participation**

The Member Services Manager (Operational) drew attention to the Public Participation note contained within the agenda. He advised that a number of speakers had registered to speak at the meeting. Some speakers had agreed that their speeches would be read out by the designated Council Officer and others had chosen to dial in and address the Committee via telephone link.

## **307 Officers' Deferral/Withdrawal of Reports**

The Team Leader (Planning Applications) advised that application 20/00244/AS – Land between Beech Hedges and 1 Cherry Garden Crescent, Wye – had been deferred at the request of the applicant for further consultation to take place in respect of the tenure of the dwelling.

## **308 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 17<sup>th</sup> March 2021 be approved and confirmed as a correct record.**

## **309 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 '-'**

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<b>Application Number</b>	19/01597/AS
<b>Location</b>	Home Plus, Beaver Road, Ashford, Kent, TN23 7RR
<b>Grid Reference</b>	Easting 601063 Northing 142081
<b>Parish Council</b>	No Parish Council
<b>Ward</b>	Victoria
<b>Application Description</b>	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..
<b>Applicant</b>	A Better Choice for Property Developments
<b>Agent</b>	Emma Hawkes – DHA Planning
<b>Site Area</b>	9093 sqm
(a) 7/4R	(b) - (c) KCCH&T-X

The Team Leader (Placemaking) gave a presentation. He advised that S106 contributions had been reviewed and renegotiated. The development's viability had been considered through a number of assessments, and it was considered that the scheme would be unable to provide the S106 contributions being sought and remain viable. However, the applicant had offered, on a 'without prejudice' basis, to make a one-off payment of £250,000 towards developer contributions, which could be distributed however the local planning authority saw fit. Officers made recommendations in Table 1 of the report, which identified where this sum could be distributed. With regard to Table 1, a phasing plan would specify when the £250,000 "pay regardless" sum would be paid. The balance that was not already allocated to 'heads' in Table 1 (about £3,500) would be allocated to one or more of the 'heads' which are deferred when it is received, under delegated powers.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, had registered to speak in support of 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 A.

In accordance with Procedure Rule 9.3, Mr Shrubbs, on behalf of South Ashford Community Forum, had registered to speak in support of the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and this is attached to these Minutes at Appendix B.

In accordance with Procedure Rule 9.3, Mrs Krawczyk, on behalf of Central Ashford Community Forum, 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 C.

Both Ward Members attended and spoke in objection to the application.

## **Resolved:**

### **PERMIT**

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 below in terms agreeable to the Development Management Manager or the Strategic Development and Delivery Manager in consultation with the Solicitor to the Council & Monitoring Officer, with delegated authority to either the Development Management Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit; and,**

**TABLE 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>
<b>Potentially applies to any size/scale of residential development</b>			
<b>1.</b>	<b>NHS – Primary Healthcare</b>  Towards provision in the Ashford Stour Primary Care Network  Deferred contributions mechanism.	£780 per dwelling	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>2.</b>	<b>ABC – Monitoring Fee –</b>  Contributions towards	£500 per annum until the development is completed.	First payment on the commencement of the development and on the anniversary therefore in subsequent years to be Paid Regardless of viability.

	the Council's costs of monitoring compliance with the agreement or undertaking		
3.	<b>ABC – Affordable housing –</b> Offsite contribution to be paid towards the delivery of affordable housing within the urban area in lieu of onsite provision of the relevant proportion of 40% affordable housing as required by policy,	Total cost of offsite commuted sum payment of £144,200	Total contribution to be paid in accordance with a phasing plan.
4.	<b>ABC – Outdoor Sports –</b>  Contribution towards outdoor sports pitch provision at Ashford, to be targeted toward quantitative or qualitative improvements at the 'hubs' identified in the Local Plan 2030  Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030  Deferred contributions mechanism.	£1,034 per dwelling (capital and maintenance).	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
5.	<b>ABC – Indoor Sport Buildings</b>  Capital contribution to go towards the Stour Centre improvements or at indoor sport buildings at Ashford, to be targeted toward quantitative or qualitative improvements at the	£83,581 total contribution  (£386.95 per dwelling – capital only as per SE Calculator)	Total contribution to be paid in accordance with a phasing plan.

	<p>other 'hubs' identified in the Local Plan 2030.</p> <p>Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.</p>		
6.	<p><b>ABC – Strategic Parks</b></p> <p>Capital contribution towards provision of Conningbrook Country Park. Management and maintenance of Conningbrook Country Park</p> <p>Deferred contributions mechanism.</p>	£147.4 per dwelling (capital and maintenance).	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
7.	<p><b>ABC – Informal/natural greenspace:</b></p> <p>Off-site contribution to be targeted towards the adjacent Green Corridor and nearby improvements being proposed at Victoria Park or at nearby informal/natural greenspace.</p> <p>Deferred payments mechanism.</p>	£580.55 per dwelling (capital and maintenance)	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
8.	<p><b>ABC – Play provision</b></p> <p>Provision of play facilities off-site, within the Town Centre area, including the Victoria Park area.</p> <p>Deferred payments mechanism.</p>	£1,002 per dwelling (capital and maintenance).	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
9.	<p><b>ABC – Voluntary sector provision</b></p> <p>Contribution towards groups active within the</p>	<p>£13,692 total contribution</p> <p>(£63.39 per dwelling)</p>	Total contribution to be paid in accordance with a phasing plan.

	Town Centre Area		
<b>10.</b>	<b>ABC – Allotments</b>  Contribution towards allotment provision within the area  Deferred payments mechanism.	£247.5 per dwellings	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>11.</b>	<b>ABC – Art provision</b>  Contributions sort for provision within the Town Centre, including the 'Ashford Giraffes' project.  Deferred payments mechanism.	£156.95 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>12.</b>	<b>KCC – Highways - Travel Plan</b>  Travel Plan requirements directly related to the scheme	£5,000 (£1,000 per annum for 5 years)	To be Paid Regardless of viability.  Trigger for payment to be agreed in accordance with a phasing plan
<b>13.</b>	<b>KCC – Community Learning</b>  Towards additional equipment and resources for Adult Education Centres locally  Deferred payments mechanism.	£16.42 per dwelling  Total£3,661.66	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>14.</b>	<b>KCC – Primary Education</b>  Towards new school provision in the planning group (13 additional spaces).  Deferred payments mechanism.	£935.64 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.



<b>15.</b>	<b>KCC – Secondary Education</b>  Contribution towards new school provision at the Chilmington Green secondary school or alternative provision in the planning group (9 additional places)  Deferred payments mechanism.	£967.00 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>16.</b>	<b>KCC – Youth Services</b>  Towards additional resources for the Ashford Youth service or equivalent outreach programme.  Deferred payments mechanism.	£65.50 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>17.</b>	<b>KCC – Library services</b>  The provision of additional library books.  Deferred payments mechanism.	£55.45 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>18.</b>	<b>KCC – Social Care</b>  Towards increasing capacity at the Braethorpe Wellbeing Centre (Ashford Day Centre)  Deferred payments mechanism.	£146.88 per dwelling.	From any Deferred Contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>19.</b>	<b>Pay Regardless Contribution</b>  Balance of the £250,000 Pay Regardless Contribution (i.e. above the sums identified in heads 3, 5, 9 and 12 above) to be paid to the council towards those contributions above that	£3,527	To be Paid Regardless of viability.  Trigger for payment to be agreed in accordance with a phasing plan

	are deferred.		
20.	<b>Deferred payments mechanism</b> Mechanism to monitor sales/rental values to ensure that 40% of any rise in values is paid to the council towards those contributions above that are deferred	Up to the value of all deferred contributions (index linked)	To be paid if the circumstances prevail
<p>Notices must be given to the Council and County Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. County Council contributions are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3). The Council and County Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

- B. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation.**
- C. Subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder technical representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been agreed with the applicant.**

Recommended **conditions** to cover:

1. Standard time conditions for commencement
2. Development carried out in accordance with the approved plans.
3. Phasing plan for construction internal fit out.

4. Remove Permitted Development rights of the 9 townhouses.
5. Restrict certain Permitted Development rights use relating to changes of use for the Commercial Units

#### Construction

6. Construction Environmental Management Plan (including Routing of construction and delivery vehicles; Parking and turning areas for construction and delivery vehicles and site personnel; Timing of deliveries including HGV movements; Provision of wheel washing facilities; and Temporary traffic management / signage, Dust Management Wheel washing, site set-up and contractor parking arrangements)
7. Site Waste Management Plan
8. Hours of construction to reflect Covid-19 flexibility.

#### Architecture

9. Submission of samples of all external materials , ( potentially with engagement from a small materials working group)
10. Submission of detailing –
  - a. External features
  - b. Rooftop details including lift overruns.
  - c. Rainscreen cladding / plant room external treatment
  - d. Balcony detail - including privacy screens and wind screens balustrades to mitigate. No doors shall open outwards onto balconies
  - e. Brickwork features and mortar details e.g. colour /depth/recess/joint technique
  - f. External fixtures and fittings such as external weep holes, expansion points, vents, flues, cables, pipes, metre boxes, junction boxes, post boxes, cctv cameras, security systems, information boards or signage etc.
  - g. Details of metal climbers and associated plants and species
  - h. Internal security measures in agreement with Kent Police

11. Fine details of external construction of all ancillary external structures such as boundary walls, access gates, railings, balustrades, riverside steps and handrails, bollard lighting, seating, any other furniture.

#### Landscaping

12. Details of all hard and soft landscaping works and materials including climbing plants, riverside area and landscaping courtyard/quad space, rooftop terrace including information on structural limitations on planting (consult with Kentish Stour Countryside Partnership)
13. Tree details sizes and integrated tree pits and construction protection measures based on below ground services survey and where necessary in agree in with KCC Highways
14. Arboricultural Method Statement
15. Landscape management plan
- 16.

#### Public Realm & External Open Spaces

17. Details and hard and soft Landscaping beyond the site in consultation with Kent Highways.
18. Wind - measures such as landscaping to provide sheltered seating, wind shields or installations to minimise wind levels around building at street level and within courtyard. (Within 12 months of first occupation)
19. Lighting strategy

#### Residential Amenity

20. Units to be built in accordance with the plans to ensure internally it meets all national space standards and agreed bed-spaces, unit sizes (gross internal floor area), number of bedrooms; built in storage sizes (msq); minimum floor to ceiling heights for each unit; and to ensure it complies with ABC standards for private external amenity space area including sizes and depths of balconies.
21. Sound performance between individual residential units and between the commercial and residential units, specifying the chosen glazing, ventilation, and wall and floor construction etc. to be agreed with ABC Environmental protection before occupation.

#### Commercial

22. Hours of opening

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23. A flexible infrastructure provision for plant/extraction systems to all commercial units (air-con, air handling, kitchen extract, etc.) Within 3 months of the start of construction.

24. Commercial signage

Sustainability

25. Sustainable building construction details including green roof, photovoltaic panels and drainage system relate to each other.
26. Compliance with approved Energy Strategy, unless agreed in writing with LPA.
27. Water efficiency – compliance with water use of dwellings no more than 110 litres per person per day
28. Air quality

Access & Highways

29. Alterations to the Beaver Road arm of the Beaver Road / Victoria Way and Avenue Jacques Fauchaux junction and installation of a box junction
30. Delivery of proposed raised table junction in Beaver Road.
31. Condition relating to main access surface treatments and consultation with ABC on s.278 detail
32. Submission of a TRO (loading/unloading deliveries and refuse layby)
33. Section 278 Highway Agreement Shared footway / cycleway.
34. Completion of the off-site highway improvements
35. Finer details of the proposed retaining wall at the junction of Beaver Road and Avenue Jacques Fauchaux
36. Provision and retention of parking, vehicle loading/unloading and turning areas
37. Submission of a car parking management strategy for the site detailing how the car parking within the application site will be managed by the applicant.
38. Beaver Road condition survey
39. Motorcycle parking spaces

- 40. EV charging to Mode 3 SMART standard / future proofing strategy to all car park
- 41. Electric cycle parking / future proofing strategy
- 42. Provision and retention of secure cycle parking facilities
- 43. Car park spaces allocation, layout including disabled bays and details including markings, lines, signs, lighting or any other paraphernalia
- 44. Travel Plan (cycle voucher/bus pass)
- 45. Visibility splays

Riverside, Drainage & Flooding (Environment Agency)

- 46. Mitigation - Finished floor levels mitigation - Ordnance Datum (AOD)/ habitable rooms/sleeping
- 47. Long term management plan- Protection of 8m Riparian margin/ Landward buffer zone details. Restoration plan
- 48. Contamination controlled waters
- 49. Verification Report
- 50. Contamination not previously identified
- 51. No infiltration of surface water drainage
- 52. Piling risk assessment

Foul Water Sewage (Southern Water)

- 53. Foul water sewerage disposal details
- 54. Diversion of public sewers,
- 55. Sewerage network reinforcement
- 56. Sewer discovered during construction.
- 57. Details of the proposed means of foul water sewerage

SUDs KCC

- 58. Pre-construction – surface water drainage system
- 59. Pre occupation Verification Report, pertaining to the surface water drainage system.

Archaeology

60. Archaeological field evaluation works and further archaeological investigation. (Pre-construction)

Ecology (recommended by KCC Biodiversity)

61. Ecological Enhancements / Ecological Management Plan (Pre Commencement) (recommended by KCC Biodiversity)
62. Green Corridor Improvement Plan
63. Bats & Lighting (recommended by KCC Biodiversity)
64. Invasive Species - Pre commencement. (recommended by KCC Biodiversity)
65. Water voles.

Contamination

66. Compliance with contaminated land investigation and watching brief
67. Remediation, verification and dealing with any unexpected contamination found during construction.

Services & Utilities

68. Provision and retention of secure bin storage to be agreed with LPA in liaison with ABC Street Scene & Open Spaces Officer to include;
  - Refuse bin storage area (excluding the bin maintenance area) shall not be less than 431 sq. m and shall remain available for this use only in perpetuity.
  - The distance from the presentation point to the refuse truck loading bay in Beaver Road shall not be greater than 10m and shall have a gradient that is no steeper than 1:12.
  - Following details to be agree by LPA in consultation with ABC Street Scene & Open Spaces Officer
    - a. Site Refuse/Waste Management Plan.- residential and commercial
    - b. The number and size of refuse/recycling containers, recycling bags, kitchen caddies and commercial bins
    - c. Hardstanding presentation point/area delineation
    - d. Pathway route from refuse stores to layby.
    - e. Internal access ramp no steeper than 1:16
    - f. Freight Platform Lifts – size to ensure the lifts can carry the maximum weight of the largest full containers.
    - g. All double doors in refuse store open both ways

- h. Smell prevention control measures and including ventilation system
- i. Lighting

69. Details of wet risers to be agreed with Kent Fire & Rescue.

70. Broadband provision

71. Monitoring

### **Note to Applicant**

#### **1. Working with the Applicant**

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/agent responded by submitting amended plans, which did not address all the outstanding issues, and an objection was raised,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was dealt with/approved without delay.

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. Informatives**

- To be reviewed and clarified based on original informatives (refer to original report in Annexe 1 (pages 164-171)).



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<b>Application Number</b>	21/000442/AS
<b>Location</b>	Smallhythe House, Tawny Bank, Oakengates, Woodberry and Micken Lodge, Smallhythe Road, Tenterden, Kent TN30 7LN
<b>Grid Reference</b>	
<b>Parish Council</b>	Tenterden Town Council
<b>Ward</b>	Tenterden South
<b>Application Description</b>	Redevelopment to form 53 apartments for older people (60 years of age and/or partner over 55), guest apartment, communal facilities, access, car parking and landscaping. Revised scheme to application reference 19/01669/AS
<b>Applicant</b>	Churchill Retirement Living Ltd
<b>Agent</b>	Planning Issues Ltd
<b>Site Area</b>	0.64ha

The Planning Consultant introduced this item and gave a presentation. She also drew Members' attention to the Update Report. Further consultation comments had been received, and there were various amendments to Table 1. An additional Clause was to be added.

In accordance with Procedure Rule 9.3, Mr Shellum, the agent, 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 D.

The Ward Member attended and commented on the application.

### **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		
	Detail	Amounts (s)	Trigger Points (s)
	<b><u>Affordable Housing</u></b>		
	Contribution towards provision of off site affordable housing elsewhere in the Borough in lieu of on-site provision of the relevant proportion of 40% affordable housing as required by policy.	<p>Total cost of offsite provision: sum to be confirmed.</p> <p>Of which £531,591</p> <p>And the balance (sum to be confirmed)</p>	<p>To be paid regardless of viability, prior to occupation of 50% of units on site.</p> <p>From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability.</p>

Applies to sites of 11 dwellings or more			
	Planning Obligation		
	Detail	Amounts (s)	Trigger Points (s)
	<b><u>Adult Social Care</u></b>		
	<b>Project:</b> towards specialist care accommodation in the borough	<p>£146.88 per dwelling</p> <p>Total £7,784.64</p>	<p>From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>
	<b><u>Community Learning</u></b>		
	<b>Project:</b> Towards additional IT equipment for additional learners from development at Tenterden AEC	<p>£16.42 per dwelling</p> <p>Total: £870.26</p>	<p>From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>

	<b><u>Health Care</u></b>  <b>Project:</b> Towards creating suitable capacity within the Ashford rural Primary Care Network	Total £34,450	From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
	<b><u>Libraries</u></b>  Contribution for additional bookstock services and resources at Tenterden library for the new borrowers generated by this development	£55.45 per dwelling  Total £2,938.85	From any deferred contributions received, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.
<b>Area / Site specific potential requirements</b>			
	<b><u>Occupation</u></b>  To limit Occupation to those over 60 (or partners over 55) only.	N/A	To secure this use permanently
<b>Applies to all</b>			
	<b><u>Monitoring Fee</u></b>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 one off payment	First payment upon commencement of development
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></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

**Conditions:**

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

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

2. The development shall be carried out in accordance with the plans listed in the attached schedule.

**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.

3. Prior to any works above slab level, details including source/manufacture, of all external materials, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

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

4. Prior to the occupation of any dwelling, details of external lighting shall be submitted to the Local Planning Authority and agreed in writing. The approved lighting shall be installed prior to occupation of the respective dwellings. The lighting details shall follow the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

**Reason:** In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

5. Prior to the commencement of the development, (other than site clearance/demolition), details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected prior to the first occupation of the individual dwellings in accordance with the approved details.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure, other than those specifically approved pursuant to condition 5 above,

shall be erected within the application site area without the prior approval in writing of the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality

#### Highway & Parking

7. Prior to the commencement of development on site, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority to include the following:

- Parking and turning areas for construction and delivery vehicles
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Parking for contractor and site personal
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
- Details demonstrating the minimisation of dust emissions
- measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s),
- maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s),
- measures to minimise the potential for pollution of groundwater and surface water, arrangements for public consultation and liaison during the construction works
- Details of the location of any proposed site compound
- Position of the materials storage compound

**Reason:** To aid highways safety ,the free flow of traffic and to protect the amenities of the surrounding area during construction.

9. Prior to the first occupation of the site the vehicle parking spaces, as shown on the submitted plans, shall be provided and be permanently retained for their intended purposes thereafter.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety as development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

10. Prior to the first occupation of the development hereby approved, secure covered cycle parking facilities shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority and thereafter retained and access to these facilities shall not be precluded.

**Reason:** To provide a sustainable approach to the provision of sustainable means of transport in accordance with the provisions of Policy TRA6 of the Ashford Local plan and the provisions of the NPPF.

11. The Highways alterations detailed in Site Access drawing SWTP-P1039-DR-001 P04 shall be delivered prior to first occupation of the development hereby approved and shall include the use of a bound surface for the first 5 metres of the access from the edge of the highway.

**Reason:** To ensure a safe and satisfactory access onto the public highway

12. Prior to the construction of the access, details shall be provided and be approved in writing by the Local Planning Authority regarding measures to prevent the discharge of surface water onto the highway. The scheme shall be carried out in accordance with the approved details prior to first occupation of the development hereby approve and thereafter retained..**Reason:** To ensure a safe junction with the public highway and prevent the discharge of surface water onto the public highway.

#### Contamination

13. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development."

**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.

## Drainage

14. Development shall not begin in any phase 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 Drainage Statement (Civil Engineering Partnership, November 2019) 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 discharged from the site at a rate of 2l/s 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 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.

15. No building of the development hereby permitted shall be occupied 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.

## Trees/Landscaping

16. No development other than demolition shall take place until full details of retained trees and the means of ensuring their protection have been submitted in

writing to and approved by the local planning authority. The protection measures shall be in place prior to any further development and shall be retained in place until the completion of building works.

**Reason:** To ensure the protection of existing trees within the site to provide a satisfactory appearance and amenity for surrounding residents and the character of the area.

17. The approved development shall be carried out in such a manner as to avoid damage to the existing retained trees on the site and any trees on adjacent sites including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction.
- Tree Protection Fencing sign off is required by the arboricultural consultant and a copy shall be supplied to LPA within 5 working days. Any incidents involving damage to a tree or deviation from the approved documents should be inspected by the arboricultural consultant and a report supplied to the LPA within 5 working days.
- No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.



**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

18. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the completion of development.

No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work).

If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

19. Prior to the commencement of an works above slab level details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc)

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

### Ecology

20. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, examination shall first be carried out by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

**Reason:** To protect and enhance local biodiversity in accordance with the provisions of Policy ENV1 of the Ashford Local Plan 203 and the NPPF.

21. Within 3 months of works commencing a simple site wide management plan must be submitted detailing how the habitats on site are going to be established and managed. The submission must demonstrate that the site is being managed to benefit biodiversity and retain connectivity to the surrounding area.

Reason: To ensure the protection of new habits created on the site in accordance with the provision of Policy ENV1 of the Ashford Local Plan 2030

22. Prior to works commencing a detailed bat mitigation strategy must be submitted to the LPA for written approval. It must include the following:

- Updated bat emergence surveys
- Overview of mitigation proposed (including integrated features)
- Detailed methodology to be implemented
- Timings of proposed works.
- Map showing working area and replacement habitats
- Details of lighting recommendations.

The plan must be implemented as approved.

**Reason:** To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

23. Prior to works commencing details of the proposed receptor site must be submitted to the Local Planning Authority for written approval. The report must include the following:

- Location of the proposed receptor site
- Phase 1 map of the site
- Assessment of suitability to be used as a receptor site
- Details of any enhancements required
- Details of any ongoing management requirements
- Confirmation that the landowner is happy to implement the management

Reason: To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

24. Prior to any works commencing on site (including vegetation clearance) the precautionary mitigation detailed within the Receptor Site Identification Report (WYG; March 2020) must be implemented. The works must be carried out between March and October within suitable weather conditions and temperatures do not drop consistently under 5c at night.

**Reason:** To ensure protection of existing bio diversity on the site in accordance with Policy ENV1 of the Ashford Local Plan 2030.

#### Archaeology

25. 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.

26. The dwellings hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

**Reason:** In order to carefully manage water supply given the level of household demand relating to available resource.

27. Prior to the commencement of development (excluding site clearance and demolition) details shall be submitted to and be approved in writing by the Local Planning Authority for the installation of fixed telecommunications infrastructure and High Speed Fibre Optic (minimum internal speed of 1000mb) connections to multi point destinations and all buildings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, being capable of connection to commercial broadband providers and maintained in accordance with the approved details.

**Reason:** To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030 and paragraph 112 of the NPPF.

28. Prior to the first occupation of development details of where designated parking spaces or carports can be provided with electric vehicle charging point shall

be submitted to and agreed in writing with the Local Planning Authority. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The scheme shall be carried out in accordance with the approved details. The charging point shall thereafter be retained available, in a working order, for the charging of electric vehicles unless otherwise agreed in writing with the Local Planning Authority. No dwelling shall be occupied until facilities for electric vehicle charging for that dwelling have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be maintained and operated in accordance with the approved details.

**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

29. The development hereby approved shall be occupied only by residents who are a minimum of 60 years of age and by any partners aged 55 years and over.

**Reason:** To ensure adequate on site parking which reflects the resident age group and type of accommodation proposed, in accordance with the provisions of Policy TRA3 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

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

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

### **Note to Applicant**

1. S106

2. A formal application is required for connection to the public sewerage system.

3. 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

- was provided with pre-application advice,
- 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.

Application Number	20/00767/AS		
Location	Conley Barn, Bulltown Lane, Brabourne, Ashford, TN25 5NB		
Grid Reference	607950/ 142699		
Parish Council	Brabourne		
Ward	Bircholt Ward		
Application Description	Conversion of barn to residential dwelling (retrospective) and change of use of land to residential		
Applicant	Mr P Fritz		
Agent	Mr T Parrett, Rubicon Building Consultancy Ltd		
Site Area	0.10ha		
(a) 3/2R	(b) +	(c) -	
Re-Consultation			
(a) 3/2R	(b) -	(c)	

The Planning Officer gave a presentation, followed by the Team Leader (Planning Applications) who drew Members' attention to the Update Report. There were

amendments to paragraphs 19 and 20 and a deleted condition. Three new conditions were added, the third being to require materials to be submitted.

In accordance with Procedure Rule 9.3, Mr Bax, the agent on behalf of neighbours, had registered to speak in objection to the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and this is attached to these Minutes at Appendix E.

The Ward Member attended and commented on the application.

**Resolved:**

**To defer the application for Officers to seek the following amendments / changes to the proposal:**

- **First floor windows facing towards Little Foord & Fallons to be reduced in number and obscure glazed, or the internal layout at first floor reconfigured, to ensure no overlooking.**
- **2m high close-boarded fence to be provided at the boundary of the site with Fallons**
- **Timber cladding to the first floor and the zinc roof to have a matt finish**
- **Ensure that only the areas shown as garden are used for this purpose.**

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<b>Application Number</b>	21/00249/AS
<b>Location</b>	The Stour Centre, Tannery Lane, Ashford, TN23 1PL
<b>Grid Reference</b>	6014/1423
<b>Parish Council</b>	Central Ashford
<b>Ward</b>	Victoria
<b>Application Description</b>	Provision of new entrance canopy
<b>Applicant</b>	Freedom Leisure
<b>Agent</b>	Arkon Associates, The Old Bank, 162 High Street, Stevenage, SG1 3LL
<b>Site Area</b>	0.58ha

(a) 11/- (b) N/A (c)

The Planning Officer gave a presentation.

**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. Implementation within 3 years
2. Approved plans
3. Available for inspection
4. Materials as specified

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

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Queries concerning these Minutes?

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

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

## APPENDIX A

### **Speech by Emma Hawkes, DHA, Agent for the Planning Application 19/01597/AS**

To move matters forward following deferral of the scheme for a second time on design grounds, the applicant arranged a Design Review Panel Workshop in January 2021.

The workshop reviewed the December 2020 proposal and the design experts focused on the quality of the architectural expression, external materials and elevations.

The scheme in front of Members tonight addresses the Panel's key recommendations from the workshop including more varied apartment types with the use of glazing, the inclusion of simple yet robust architectural principles, greater vertical differentiation, a review of the proportions of proposed roofscape and the inclusion of detailed material and bay studies.

Key changes now include:

- Removal of pitched roof detailing;
- Removal of green metal cladding;
- Grounding of the building through the use of materials on the Beaver Road elevation;
- More fenestrational interest with double height windows;
- Amended form for the townhouses with additional balcony detailing and a change to roof form.

A comprehensive review to the proposed materials has also been carried out to enhance the scheme's appearance and to improve the architectural relationship between the various elements. The development now has a much more simplified building form with emphasis on the use of brick with brick detailing inserts rather than metal cladding. The changes to the glazing and materials has resulted in a common architectural language throughout the whole façade of the development.

Furthermore, the applicant is committed to working with Officers and Members to enable a materials selection working group to be set up to help agree the main external specifications for materials and to assist with the discharge of the subsequent materials condition.

Members will also recall the concerns raised during the December committee regarding the lack of proposed developer contributions in this case. Whilst it is clear from our own appraisal and that of the Council's independent assessor that no contributions should be made, our client is willing, on a without prejudice basis to make a one-off payment of £250,000 towards developer contributions which can be distributed how the local planning authority see fit. Clearly this will significantly reduce the agreed developers profit, however our client is willing to accept this in order to address the local concerns.

In summary the applicant has listened to the concerns of Members and has addressed the key recommendations of the recent Design Panel Workshop. In light of this, we respectfully ask that the application be granted permission.



**APPENDIX B**

## **South Ashford Community Forum**

[southashford.org.uk/](http://southashford.org.uk/) [forum@southashford.org.uk](mailto:forum@southashford.org.uk)

15 March 2021

**19/01597/AS**

### **Home Plus, Beaver Road, Ashford, Kent, TN23 7RR**

Chairman and Members of the Committee, we thank you for the opportunity to speak this evening.

We wish only to re-iterate our comments from the last occasion that this application was considered by the Committee.

As previously stated South Ashford Community Forum supports the development of this brownfield site but remain concerned about the impact the development will have on Beaver Road.

We note the changes to the proposed contributions, but the strategic parks contribution, if it becomes payable will be applied to Conningbrook Park. We continue to believe that the residents of this development will make greater use of Victoria Park than Conningbrook Park and therefore that this contribution should be applied to Victoria Park.

Thank you.  
Bob Shrubb

On behalf of South Ashford Community Forum

**APPENDIX C**

This evening I want to once again focus my comments on S106 obligations which exist to “mitigate the impacts of a development”. They are “fairly and reasonably related in scale and kind to the development”. I quote the planning guidance to highlight the £1.328M S106 contributions sought here are not arbitrary; they are fair, reasonable and sought to mitigate the impact of this development. However, instead of paying this fair, reasonable amount, the developer has offered to pay £250,000. 19% of their obligation. 19% of their mitigation responsibility for this development. Leaving the other £1.107M, 81%, of the “impacts” for residents to absorb, either directly through council tax increases, or indirectly, through the loss of services. The planning report states this is ‘sub-optimal.’ It’s much more than that. Shielding the 20% GDV profit margins of the developer by passing the costs to residents is unconscionable.

It’s also not required. The NPPF specifically states “For the purpose of plan making an assumption of 15-20% of GDV may be considered a suitable return to developers.” The framework allows decision makers discretion to determine what level of return is ‘suitable.’ Why are you entertaining passing on costs, the “impacts” of this development to Ashford residents, when instead, you could decide that the lower return of 15% GDV is suitable? Because the developer has in their viability assessment “assumed that a profit of 20.0% on GDV would be entirely appropriate.” It’s not ‘appropriate’ if they are unable to make their required S106 contribution. A more appropriate 15% return would allow the developer to make a significant £9.309M profit and still make their S106 contributions, with a positive impact of RLV.

The planning report argues their view is the overall planning benefit of this development outweighs the costs of the developer not contributing fully to S106. That is an opinion that the CACF does not share. There are benefits, but they are not worth the £1.107M price tag to Ashford residents.

In the end it is a judgement call. You need to balance what is a reasonable profit for the developer versus the costs you pass on to Ashford residents. But do not accept the false dichotomy the developer has presented you. There are options here to allow the development to move forward, make a significant, reasonable, appropriate and “suitable” profit, whilst not putting additional financial burdens on the residents of Ashford. Choose that option.

**APPENDIX D**

**Planning Committee 21st April - Agenda Item 2 - APP 21/0442/AS**  
**Churchill Retirement Living Ltd. - Site at Smallhythe House, Smallhythe Rd,**  
**Tenterden**

Thank you for the opportunity to speak, we have over the past few months been working hard with your officers to produce a revised design response to the Smallhythe Road that reflects the evolving character of the area and respects the setting of the High Weald AONB. I am pleased therefore that the scheme is supported by officers and there is no objection from the Town Council.

The design of the road frontage elevation has been amended to accord with officers' advice with the massing more articulated by the introduction of two recessed glazed links and a more restrained palette of materials focussing on a good quality brick finish. This change helps to emphasise the design approach of breaking the mass to distinct individual dwelling elements which is in keeping with the area and would no longer harm the setting of this part of Tenterden or the AONB.

The proposed level of parking provision has been taken from surveys of existing Churchill Retirement Living developments across the country, and is the same parking ratio as the approved McCarthy & Stone scheme on the adjoining site. It is also of note that the committee found the level of parking provision to be acceptable on the previous scheme which is subject of an appeal.

The nature of retirement living developments with large areas of communal space make it difficult for providers to deliver schemes meeting target affordable housing levels. Nevertheless, in this case the proposed scheme has been independently assessed and makes a significant contribution of £531,591 towards affordable housing provision with measures to deliver further if the schemes viability were to later improve.

Retirement Living schemes provide significant benefits to local communities. A recent report 'Homes for Later Living' found that;

- Each person living in a home for later living enjoys a reduced risk of health challenges, contributing fiscal savings to the NHS and social care services of approximately £3,500 per year.
- People living in each retirement development generate £550,000 of spending per year, £347,000 of which is spent on the local high street. Some £225,000 of this is new spending in the local authority, directly contributing to keeping local shops open.

In conclusion, the proposed scheme would contribute towards local housing needs for older persons, affordable housing, overall housing delivery and provide economic and social benefits to the wider community. Accordingly, I would commend your officer's recommendation to members.

**APPENDIX E****AGENT COMMITTEE SPEECH (OBJECTING TO THE SCHEME)**

**20/00767/AS | Conversion of barn to residential dwelling (retrospective) |  
Conley Barn, Bulltown Lane, Brabourne, Ashford, TN25 5NB**

Dear Councillors,

This objection is made on behalf of the immediate and longstanding neighbours of the properties known as 'Fallons' (42-years residence) and 'Little Foord' (18-years residence).

The Site was subject of an original consent granted in 2016, which the neighbours supported on the basis of its modest fenestration, materials and limited garden area.

The original consent lapsed prior to its completion, and the development proceeded unlawfully without complying with the approved plans, together with further unlawful works/breaches of planning control, including buildings/structures/caravans.

The revised scheme now includes additional fenestration at first floor levels, swapped metal and timber materials and an extended garden, which had this been proposed originally, would NOT have been supported by the neighbours.

Accordingly, genuine concern is raised as to the impact on residential amenity, the setting of the Grade II Listed Building of Little Foord and on the poor design of the barn.

A high standard of amenity and residential enjoyment should be preserved for the longstanding neighbours. The windows at ground and first floor, to the north-east and north-west elevations, would afford direct overlooking of the immediate private garden of Fallons, with only deciduous planting separating the units, and would afford overlooking on the useable garden area and parts of the private garden area of Little Foord, reducing their privacy, detrimental to their long-established residential amenity.

In relation to the external design and appearance, development should be of a high-quality design and sympathetic to the existing built, historic and natural environment. The addition of new fenestration to both floors as arranged, notably to the north-west elevation and north-east elevation, overly domesticates the appearance of this rural barn, resulting in a poor quality of design that is detrimental to the rural building being converted, to the landscape it sits in and is therefore harmful to the setting of the 500-year-old Grade II Listed Building of Little Foord.

Moreover, swapping the external materials with metal sheeting at first floor, would result in a reflective material that would appear dominant in the landscape and cause glare.

We therefore ask for minor, yet significant amendments to address our amenity concerns; to include obscure-glazing to the sensitive elevations, a simple re-configuration of the landing and bedrooms 2&3 to face the south-west elevation, that utilises existing windows on the side away from the neighbours, reducing the amount of first floor windows to the north-west elevation and finally controlling the garden-land.