

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **18th May 2022**.

Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Cllrs Buchanan, Chilton, Harman, Howard, Howard-Smith, Ledger, Meaden, Mulholland, Shorter, Sparks, L Suddards and Walder

In accordance with Procedure Rule 1.2(iii), Cllrs. Buchanan and Ledger attended as Substitute Members for Cllrs. Iliffe and Ovenden respectively.

Apologies:

Cllrs N Bell, Forest, Iliffe, Ovenden

In Attendance:

Interim Planning Applications and Building Control Manager, Team Leader – Strategic Applications, Planning Officer, Tree Officer; Principal Solicitor (Strategic Development); Member Services Officer.

394 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Blanford	Made a Voluntary announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	
Cllr Burgess	Made a Voluntary announcement that he was a Member of the Weald of Kent Protection Society.	
Cllr Harman	Made a Voluntary announcement that she was Chair of Aldington & Bonnington Parish Council but did not participate in any of its Planning discussions	21/00150/AS
Cllr Meaden	Declared that he had previously commented on the application in a personal capacity; he would make a statement as Ward Member but would not move any motion or take part in any vote, and he acted accordingly.	21/00577/AS

Cllr Mulholland	Made a Voluntary announcement that he was a member of Smarden Parish Council but did not participate in any of its Planning discussions	TPO/22/00001
Cllr Walder	Declared a Disclosable Pecuniary Interest as she was the applicant; she left the meeting for this item.	21/01506/AS

395 Public Participation

The Member Services Officer advised that at this meeting registered public speakers had been invited either to address the Committee in person, or to have their speech read out by a designated Council Officer, not from the Planning Department. For this meeting, there were eleven public speakers, three of whom had elected to have their speech read out.

396 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 13 April 2022 be approved and confirmed as a correct record.

397 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	21/00150/AS	
Location	Land rear of 2 to 16 Longsfield off, Quarry Wood, Aldington, Kent	
Grid Reference	06138 36862	
Parish Council	Aldington	
Ward	Saxon Shore	
Application Description	Erection of 3 dwellings.	
Applicant	Mr T Fuller	
Agent	Hume Planning Consultancy Ltd.	
Site Area	0.13 hectares	
(a) 26/22R & 4S	(b) Aldington Parish Council - R	(c) KH&T - , KCC PROW X, KCC Ecology X, Ramblers X, EMS X

The Interim Planning Applications and Building Control Manager gave a presentation and referred Members to the Update Report. He mentioned one further objection received, and a representation commenting on the committee report. He clarified that the position of the proposed entrance to the site was direct onto the adopted Quarry Wood; an established Right of Way could be diverted under usual procedures; and the application was acceptable in terms of parking but an extra condition could be imposed. Photos Cllr Harman had provided, to which she would later refer, were included in the Update Report.

In accordance with Procedure Rule 9.3, Mr Alistair Hume, the agent for the application, had registered to speak in support of the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix A.

In accordance with Procedure Rule 9.3, Ms Linda Hedley, local resident, had registered to speak in objection to the application. She had opted to have her speech read by the Member Services Officer. Her speech as provided prior to the meeting, appended at Appendix B, was in excess of the 400 words maximum and so only the first 400 words were read out.

In accordance with Procedure Rule 9.3, Cllr Richard Lloyd of Aldington and Bonnington Parish Council, had registered to speak in objection to the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix C; the speech was non-compliant with the 400 word limit and so only the first 400 words were read out.

Resolved:

(A) Subject to the applicant amending the application by providing a revised site layout plan showing the provision of three parking spaces for Plot 3 which is satisfactory to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager; and

(B) Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,-

PERMIT, subject to the following conditions:

1. Standard time condition.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.
5. No flues, vents, stacks, extractor fans or meter boxes to be located on the front elevation of plots 1 & 2.
6. No external lighting.
7. Landscaping scheme.
9. Details of boundary treatments.

11. Removal of permitted development rights for extensions, alterations, outbuildings and means of enclosures.
12. Occupation as a single dwelling house only.
13. Reptile mitigation strategy.
14. Biodiversity enhancements
15. Construction Management Plan/Hours of working.
16. Electric Vehicle Charging points.
17. Provision and retention of parking in accordance with policy TRA3a.
18. Bicycle Storage.
19. Land Contamination.
20. SUDs
21. Reporting of unexpected contamination.
22. Refuse collection facility to be provided prior to occupation.
23. Accessibility standards.
24. Development available for inspection (enforcement condition)

Notes to Applicant

1. Working with the Applicant

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

- 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,

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- 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.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
4. The applicant's attention is drawn to the comments and requirements set out in the letter dated 3rd February 2021 from KCC Countryside & Community Development.

Application Number	21/01292	
Location	Wye College Land and Buildings, Olantigh Road, Wye Kent TN25	
Grid Reference		
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 (Re- submission of 19/1327 AS.)	
Applicant	Tele property Investments Ltd	
Agent	Union 4 Planning	
Site Area	2.02ha	
a) 2/1R	(b)-	(c) KCCH&T/X, KCCED/X, LLFA/x, KCCPROW/X EP/X,ES/R,HS/X,ABC/c/X,K F&R/XEA/X, NE/R, NHS/X KP/X, SW/R, BHS/X

The Interim Planning Applications and Building Control Manager gave a presentation and referred to the Update Report which provided additional information regarding Vacant Building Credits and the definition of abandonment. He stated that the revised report fully addressed all concerns raised at the previous deferral.

In accordance with Procedure Rule 9.3, Mr Jonathan Rowlett, the agent for the application, had registered to speak in support of the application. He had elected to have his speech read by the Member Services Officer, a copy of which as submitted prior to the meeting is included as Appendix D.

In accordance with Procedure Rule 9.3, Mr James Ransley, local resident had registered to speak in support of the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix E.

In accordance with Procedure Rule 9.3, Cllr Richard Bartley of Wye Parish Council had registered to speak in objection to the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix F.

The Ward Member was not present but had requested Cllr Harman to deliver his response, which was to request a deferral, pending further discussions.

Resolved:

(A) Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,

PERMIT

(B) Subject to the Assistant Director – Planning and Development being satisfied that all developer contributions are still justified at the time of issuing the approval, subject to the completion of an appropriate S106 obligation and subject to planning conditions and notes, including those dealing with the subject matters identified below:

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials
4. Boundary Treatment
5. No gates/fences, etc other than approved
6. Construction hours
7. Slab levels
8. Construction Management plan

9. Highways conditions survey
10. Parking prior to occupation
11. Footpaths/Carriageway provision prior to occupation
12. Electric charging points
13. Off Site works
14. Landscape plan
15. Landscape Management Plan
16. Identification of Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Retained tree identification
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Biodiversity Mitigation strategy
22. Reptile translocation details
23. Lighting Details
24. Bird Nesting Season
25. Provision of visitor car park and signage
26. Surface water drainage scheme
27. Verification report
28. Details of infiltration testing
29. Details of foul/surface water discharge
30. Details of PTP including noise levels and cabinet details
31. Contamination: Specific Phase 1 Study
32. Contamination: Unexpected contamination
33. Broadband

34. Residential compliance with Part M Building Regulations.
35. Secured by Design

Informatives:

Provision of bins

Dust emissions

Burning of waste

Notes to Applicant

1. S106
2. Working with the Applicant
3. S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.

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 application was acceptable as submitted and further information was sought as required. The applicant/ agent responded by submitting additional information but did not fully address all outstanding queries.
- The application was dealt with 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.

Application Number	21/01293/AS	
Location	Former A.D.A.S Offices, Olantigh Road, Wye, Ashford TN25 5EL	
Grid Reference		
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) -	(b) -	(c) KCCH&T/X,KCCE/X, KCCH/X,LLFA/X, KCCDC/X,ABCOS/X, ABCEP/X,ABCES/X, SW/R NE/R

The Interim Planning Applications and Building Control Manager displayed a plan of the proposal and stated that his comments regarding the previous item also applied to this application.

In accordance with Procedure Rule 9.3, Mr Jonathan Rowlatt, the agent for the application, had registered to speak in support of the application. He had elected to have his speech read by the Member Services Officer, a copy of which as submitted prior to the meeting is included as Appendix G.

In accordance with Procedure Rule 9.3, Mr James Ransley, local resident had registered to speak in support of the application. He was present and chose to deliver a different version of his speech, a copy of the original version of which as submitted prior to the meeting is included as Appendix H.

In accordance with Procedure Rule 9.3, Cllr Richard Bartley of Wye Parish Council had registered to speak in objection to the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix I

The Ward Member was not present but had requested Cllr Harman to deliver his response, which was to request a deferral, pending further discussions.

Resolved:

(A) Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,

PERMIT

(B) Subject to the Assistant Director – Planning and Development being satisfied that all developer contributions are still justified at the time of issuing the approval, subject to the completion of an appropriate S106 obligation and subject to planning conditions and notes, including those dealing with the subject matters identified below:

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials including hard landscaping
4. Boundary Treatment
5. No gates/fences,etc other than approved
6. Construction hours
7. Slab levels
8. Construction Management plan
9. Highways conditions survey
10. Parking prior to occupation
11. Footpaths/Carriageway provision prior to occupation
12. Electric charging points
13. Off Site works
14. Landscape plan
15. Landscape Management Plan
16. Tree Removal
17. Tree protection – Retained Trees/shrubs
18. Identification of tree removal
19. Preliminary ecological appraisal
20. Site wide ecological Management and monitoring plans
21. Bio diversity Mitigation strategy including in relation to Dormice
22. Bat maternity Roost
23. Reptile translocation details
24. Lighting Details
25. Bird Nesting Season

26. Access details to enhancement area (Donkey Field)
27. Heritage requirements
28. Surface water drainage scheme
29. Verification report
30. Details of infiltration testing
31. Details of foul/surface water discharge
32. Details of PTP including noise levels and cabinet details
33. Contamination: Specific Phase 1 Study
34. Contamination: Unexpected contamination
35. Broadband
36. Residential compliance with Part M Building Regulations.
37. Secured by Design
38. S278 Agreement to secure off site works in relation to the site access, Occupation Road/Olantigh Road Junction, Olantigh Road Speed limit reduction and traffic calming and footway improvements.

Informatives:

Provision of bins

Dust emissions

Burning of waste

Application Number	21/00577/AS		
Location	The Barn The Bothy, and Land at rear of 9, Church Hill, Chilham.		
Grid Reference	E: 606915 / N: 153766		
Parish Council	Chilham		
Ward	Downs North		
Application Description	Demolition of The Bothy Barn and the erection of three detached dwellings with associated accesses, parking and landscaping.		
Applicant	Clifford Land and Property Development Ltd		
Agent	Rebus Planning Solutions		
Site Area	0.42 Hectares		
(a) 16/11	(b) Chilham 'R'	(c) KCC Ecology +, KCC Heritage X	
<u>New Site Location Plan with an amendment to red line boundary</u>			
(a) 16/2	(b) Chilham 'R'	(c) KCC Ecology +, KCC Heritage X	
<u>First Amends</u>			
(a) 16/4	(b) Chilham 'R'	(c) -	

The Team Leader – Strategic Applications gave a presentation and in addition, proposed a number of additional, expanded or refreshed conditions as part of the Recommendation.

In accordance with Procedure Rule 9.3, Mr John McDermott, the agent for the application, had registered to speak in support of the application. He had elected to read his speech, a copy of which as submitted prior to the meeting is included as Appendix J.

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

Resolved:

Permit

- A. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,**
- B. 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 representations, with wordings and triggers revised as appropriate and with any ‘pre-commencement’ based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

Conditions

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Programme of archaeological work
4. Materials to be approved
5. Detailed drawings of windows, doors and roof overhangs
6. Landscaping Scheme, including replacement trees

7. Tree and Hedgerow protection
8. Method statement for Tree felling
9. Details of boundary treatments
10. Reptile Mitigation Strategy
11. Bat-sensitive lighting
12. Biodiversity Enhancement
13. Ecology Mitigation and Management Plan
14. Drainage
15. Retention of vehicle parking spaces
16. Electric vehicle charging points
17. Water efficiency
18. Code of Construction Practice
19. Removal of permitted development.
20. Site inspection
21. Details of Bin storage
22. Details of cycle storage
23. Construction Hours
24. Occupancy only as single dwelling houses
25. "Green" energy strategy to be approved and implemented

Note to Applicant

1. Working with the Applicant
2. List of plans / documents approved
3. Bird nesting season
4. Highways informatives

Application Number	21/01506/AS
Location	Potts Farm, Chennell Park Road, Tenterden, Kent, TN30 6XA
Grid Reference	587311 134341
Parish Council	Tenterden
Ward	Rolvenden and Tenterden West
Application Description	Conversion of existing stables outbuilding to residential annexe to include areas of hardstanding and package treatment plant
Applicant	Mr & Mrs S Sidebottom
Agent	J N Atelier Designs Ltd
Site Area	118.6 sqm
(a) 3/-	(b) Tenterden TC (c) KCC Ecology 'X' 'S'

The Ward Member, having declared a DPI, left the meeting for the item.

The Planning Officer gave a presentation.

Resolved:

Permit

Subject to the following Conditions and Notes:

Permit

1. Standard time condition.
2. Development carried out in accordance with the approved plans.
3. Details and samples of materials including surface finish to driveway / parking.
4. Architectural details.

5. No flues, vents, stacks, extractor fans or meter boxes to be located on the rear elevation.
6. Roof lights to be obscured glazing
7. Two parking spaces shown should serve the annexe
8. Cycle storage and refuse facilities should be built as shown on approved plan in accordance with policy TRA3a.
9. Details of boundary treatments.
11. Removal of permitted development rights for extensions, alterations, outbuildings and means of enclosures.
12. Occupation as an annexe to the main single dwelling house only.
13. Reptile mitigation strategy to be carried out in accordance with Preliminary Ecology Assessment dated 30th October 2021.
14. Biodiversity enhancements as specified. All works to the eaves and any tile hangings should be carried out in accordance with the Preliminary Ecology Assessment dated 30th October 2021.
15. Bat and nesting bird(s) survey to be undertaken in accordance with the PEA prior to any construction works impacting either existing roof rafters or proposed hanging tiles/replacements. Appropriate mitigation put in place depending upon the results.
16. Electric Vehicle Charging point.

Note to Applicant

1. Working with the Applicant

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

- 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,

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - 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.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Reference	TPO/22/00001
Report Title	Confirmation of Tree Preservation Order No. 1, 2022
Location	Garage area to the rear of 17 and 18 Glebe Close, Smarden
Grid reference	TQ884426
Parish Council	Smarden
Ward	Weald North

The Tree Officer gave a presentation, drawing Members' attention to this item's late withdrawal from a previous meeting, and the Update Report, which clarified that the alleged damage from the roots was to the now-derelict garages alone; the Council was unaware of any damage to other nearby structures. He stated Tree Preservation Orders had been served on eight adjacent oak trees in the same run line earlier in the day to protect them from direct threat, but that was not pertinent to this item.

In accordance with Procedure Rule 9.3, Mr Gary Mitchell, owner of the land affected by the Order had registered to speak in objection to the Tree Preservation Order. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix K.

Resolved:

To confirm TPO no.1/2022 unmodified notwithstanding the objections.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk Agendas, Reports and Minutes are available on: <https://.ashford.moderngov.co.uk>

Appendix A

I am the applicant; the Report of the Assistant Director covers the key planning issues. I would just like to emphasise -

Firstly, that Aldington has a range of services and facilities and this is recognised in the borough's settlement hierarchy. The adopted Ashford Local Plan itself therefore acknowledges that Aldington is a sustainable location.

Secondly the application is located within the designated village confines and therefore represents an infill opportunity being surrounded by existing residential development. There is a strong emphasis in national and local planning policy guidance upon utilising pockets of land like this efficiently.

Thirdly, it is relevant that the site has a long history and this background has helped influence the design and siting of the reduced number of 3 dwellings that are now proposed; I believe these to be of high quality and are a direct response to the earlier concerns raised by an appeal Inspector.

Fourthly, the submitted scheme will provide 3 family houses, each of which will be set within a generously sized plot with front and rear gardens and on plot parking. The height, number and massing of this submission has been reduced significantly compared with the earlier refused scheme for 4 dwellings. Despite the objections from local residents, I rely on the Assistant Director's justification of the separation distances and the overall design quality, which concludes that the living conditions of neighbouring properties will be safeguarded by this revised scheme (explanation in detail at Paragraphs 41-44 of your committee report). It is also relevant that the previous Inspector, when considering a scheme for 4 dwellings, did not oppose the siting of dwellings to the rear of the frontage properties. For these reasons, we support the officer's conclusion that the housing layout is compatible with its surroundings.

The fifth point is that the application is supported by a surface water drainage strategy, tree assessment and landscaping scheme, ecology surveys, and a phase 1 Environmental Survey; these findings have been accepted by key statutory consultees. It is also relevant that KCC's Public Rights of Way Officer has accepted the slight diversion of the existing footpath alignment.

Residents have raised concerns about a land ownership dispute, but legal advice confirms the site is within my ownership, with the access directly fronting the public highway (which has also been confirmed independently by KCC Highways).

For these reasons, I hope you will support the officer's recommendation

Appendix B

I must continue to strongly object to the application.

There have been 3 previous applications that I can remember, all have been refused, I can see no reason for the Council to differ from this now, as each refusal has been supported at the appeal and been refused.

While three houses do not appear to be 'too much' on the site, they will reduce the amount of natural light and reduce the chance of the back gardens having early morning sun, especially in the winter.

A previous refusal, states:

'The proposed development by reason of its density, would represent an overdevelopment of the site. This would introduce a poor relationship with adjacent properties to the south at Longsfield, in relation to adverse overlooking and overbearing development upon private rear gardens resulting in a loss of privacy to the detriment of the residential amenity of the occupiers of these dwellings. In turn, the form of development would fail to respond to the character of development immediately surrounding the site and therefore would not preserve or enhance the setting of the adjoining settlement to the detriment of the visual amenity of the locality.'

They are still too close to the properties in Longsfield, and I also feel they will be overbearing, and is overdevelopment.

The NPPF states development should be sustainable, this is not.

The bus service has already been reduced and may be reduced further; we have no bus at weekends. Work will require a car.

Medical appointments can only be completed by car, the nearest doctors are in Hamstreet or Sellindge, no buses run directly to either. The nearest dentist is in Hamstreet or Ashford, both need private transport. Any school children will need to be taken by car to school as I understand the school is full.

The area around the development site is already overcrowded with people having to park anywhere they can. (in Fact, people from Wheatfields already park in Longsfield and Quarry Wood, which means residents from both places have nowhere park. This proves the area is not suitable for further development and would put a strain on the area for the current residents, **are we not just as important?**

Emergency vehicles would find it very difficult to access the site, if at all, given the No. of cars parked in the street.

The junction from Quarry Wood to Longsfield when cars exit, can be difficult due to the way parking in Quarry Wood is so restrictive, this an added danger.

I urge Councillors to refuse the application.

Linda Hedley

Appendix C

The strength of feeling locally about this application is reflected in the number of representations received by ABC; from 41 consultees, 26 responses were received with 21 objections and only 4 letters of support.

This site has a long history and has been on the agenda many times for Aldington & Bonnington Parish Council. The shame of it is that, had this site been built out by Taylor Wimpey as part of the Wheatfields development in 2013/14, as originally planned, residents in surrounding streets would have been spared much heart ache. Unfortunately the land owner and Taylor Wimpey could not reach agreement and so the seemingly endless cycle of planning battles began as every proposal presented a worse outcome for existing residents than the original would have done.

Access to the site is now only possible via Quarry Wood. The road access from Roman Road is most often cluttered with parked cars, narrowing the roads to such a point that the Refuse lorries struggle to get past. We have made more than one complaint to the Environment Team to request repair of the verges. In a rural environment, where public transport is not a viable means of travel, every property has at least one car. Most have more than one. Older style properties such as those in Longsfield do not have adequate parking. The garages built alongside the properties are too small for most modern vehicles. Street parking is the only alternative and in this area extends to the junctions, because another common village trait is that there are no parking restrictions nor policing.

To address the Council's and Planning Inspector's concerns about adverse effects on the properties fronting Longsfield, the applicant has reduced the number of units and moved the front units further from no's 2-4. However, the residential amenity impact is not just from the proximity of the development proposed – but from it's construction at all. If the Refuse lorry has problems, construction traffic most certainly will. The paviers in Quarry Wood have been damaged by heavy vehicles, causing huge ruts that need repair. Quarry Wood residents fear that their quiet road will be invaded by builders vehicles which will need somewhere to park during the day? The site is small How will it accommodate 3 sets of foundations, builders materials, a site office, builders vehicles and construction deliveries? Should the Planning Committee be minded to support this application, we ask that you give all the fore-mentioned due consideration and condition to minimise the disruption that this development will bring into the heart of Aldington.

Appendix D

Good evening Members

The site is previously developed land adjoining the built-up area of the village and should be developed in preference to greenfield sites.

Residential development was supported by Council Resolution in 2018 and 2019 and the proposals comply with the development plan.

Following deferral, the applicant has fully addressed the deferral reasons, covering updates to the NPPF, vacant buildings credit and s106 contributions. Whilst NPPF changes in 2021 provided additional emphasis on design, the Inspector considered the proposals to be of high-quality design, referring to the scheme as '*well-designed houses in a landscaped setting*'.

He considered that the scheme complied fully with design-related policies within the 2019 NPPF and local policy, which also required the creation of high quality, sustainable buildings and places.

The proposals were considered against the Wye Village Design Statement and design guidance and codes set out in the Masterplan, as required by the 2021 NPPF. The proposals also accord with the National Design Guide and National Model Design Code. The Inspector found that the southern boundary linear park provided an important visual amenity which '*would enable the tree-lined nature of the North Downs Way to extend most of the way to Olantigh Road*'.

The application is supported by a landscape masterplan, agreed by the Inspector, setting out details of tree planting and tree lined streets. This identifies that in addition to the North Downs Way, almost the entire length of the internal road is tree lined, with any gaps infilled with hedgerow.

Additional landscaping detail is secured by condition, as agreed at the Inquiry. In terms of VBC, the Inspector fully considered this matter, reviewing documentation, hearing the comments of various parties, reviewing photographs and undertaking a site visit, as part of his deliberations. He agreed with the conclusion of the council, that VBC applies. The Inspector dismissed the argument that the buildings had been abandoned and this situation has not changed since the Inquiry, through ongoing maintenance and inspection. The site is brownfield land and the very focus of VBC guidance.

s106 contributions have been agreed by the Inspector and the Council.

All principles were agreed by Planning Inspector who concluded that the regeneration proposals would have a positive impact on the landscape as well as providing urgently needed homes.

We trust that you will be able to support the recommendation of your officers and those matters agreed by the Planning Inspector.

Thank you for your time

Appendix E

There is no presumption in favour of granting VBC, it is for the applicant to provide sufficient evidence to support their case. However, whilst it shouldn't be necessary I will now try to run through what should have been presented to you tonight- Firstly we need the BC's approach on VBC. I have **here** a letter from the applicant to ABC which states that in the past ABC has applied Mid Suffolk District Council's guidance to their sites, which I have **here**. This requires an affordable housing statement, which we do not have, to address the following criteria-

- Is the site brownfield – Satisfactory demonstration that the definition of previously developed land, set out in the NPPF glossary, applies to the site.

I would ask you to look at the two maps on page 3 of your report. Firstly horticultural use is not previously developed land. **(appeal decision)** Looking at the site plan only the very top left buildings, the hop research buildings were classed as PDL in a map **here** that ABC produced towards the WNP, the rest is greenfield. Even if you disregard that issue there is no need to apply vacant building credit incentive to the development of the houses on the open field to the east.

I will skip the second criteria for this application and return for ADAS. The third criteria is-

- 'That the building has not been made vacant for the sole purpose of redevelopment – Applicants will need to demonstrate through written records including Rates and/or Council Tax records that the building has been vacant for a continuous period of at least five years before the application was submitted '

In the letter I mentioned earlier from the applicant to ABC they mention that Wye Bugs moved from north of occupation road to south in early 2019. The screening opinion for the development of this site was received on the 25th February 2019. Clearly there is reason to question the fortuitously timed vacancy for redevelopment and certainly the 'at least' 5 years threshold has not passed.

The application of VBC amounts to a seven figure windfall to the applicant and is done so without sufficient evidence or explanation, to the detriment of affordable housing provision in the borough. I ask members to refuse this application

Appendix F

This flawed application returns unchanged. Regarding the impact of NPPF2021 in raising design expectations the Report contains no new impartial advice. Instead, *“The applicants have helpfully summarised the changes”* and supersaturated yesterday’s landscape plan in green ink. This attempts to disguise bland unsustainable reality: the underlying Site Plan and some 350m of suburban street remains unchanged since 2020. Your grounds for refusal included overdevelopment, poor design, AONB harm and no S106. Significantly, tonight’s Report omits ‘overdevelopment’ This is fundamental as odd trees are just tucked in small private gardens, outside planning control.

The ownership plan is stark. The management company is responsible for just two SUDS and three car-parks, all the adopted highways land is tarmac and the tokenistic perimeter “landscape buffer” is fragmented across 17 private plots and is unenforceable.

NPPF2021(para.131) states that *“decisions should ensure that new streets are tree-lined”* unless *“there are clear, justifiable and compelling reasons why this would be inappropriate.”* There are no reasons, instead the SUDS is labelled *“linear park”* and in the applicant’s opinion *“none of the changes”* in NPPF2021 *“have any substantive impact on the assessment”* which contradicts NPPF2021(para.126)

Analysis of recent appeal decisions in Appealing Design is evidence that *“Inspectors are very comfortable constructing reasoned and objective design arguments.”*

The NPPF2021(para. 134) states unequivocally: *“Development that is not well designed should be refused”* and the test is now the achievement of ‘good design’. Appealing Design’s *“message to all [LPAs] is therefore that they should have the courage of their convictions and stand up against poor quality residential design”* Moreover, *“The appeals evidence now supports this position”* and *“After July 2021 the success rate [for LPAs] at design related appeals is 3x better than before.”*

The Inspector agreed the S106 as “necessary to make development acceptable”. In March Cllr.Ovenden stressed that this is undeliverable without any land for play, sport and informal greenspace. Officers know why the £171,300 of S106 projects listed are undeliverable, yet they recommend approval. Inexplicably there is no sport contribution.

Please note that at appeal, the applicant produced five expert witnesses, but Ashford produced none. Inevitably, the Inspector accepted the applicant’s effectively unchallenged landscape and design case.

This committee refused this unanimously before on design and amenity grounds. Please be consistent and, with the NPPF backing you now, *“demand better”* to prevent another dull, characterless, car-dependent development in the AONB. Please refuse this application.

Appendix G

As with the Occupation Road scheme, this is brownfield land and should be developed in preference to greenfield sites. Redevelopment to residential has been supported by Council Resolution in 2018 and 2019.

The applicant has addressed the reasons for deferral as covered in the officers report, relating to the NPPF and vacant buildings credit.

Whilst changes to the NPPF in 2021 provided additional emphasis on design, the differences between the two versions have little impact on the assessment of the proposal.

In his detailed analysis, the Inspector found the design to be of high quality and would enhance the landscape character of the site, stating: *'views...would be improved by the replacement of the existing buildings with well-designed housing'*. He further confirmed that the proposals would accord with all design-related policies in the development plan. The proposals were considered against the Wye Village Design Statement and design guidance and codes in the Masterplan, as required by the 2021 NPPF, and supported by the Inspector in design terms. The proposals also fully accord with the National Design Guide and National Model Design Code.

The majority of trees are retained at the site, particularly along the frontage. The proposed internal loop road is bordered by trees and hedgerows along almost its entire length. Areas of tree planting are interspersed with hedgerow, creating an almost continuous green frontage, other than interruptions by vehicle crossovers or where built development extends to the roadside. The Inspector recognised this as *'creating a strong sylvan setting'*.

The application is supported by a landscape masterplan, agreed by the Inspector, setting out details of tree planting and tree lined streets, confirming that almost the entire length of the internal road is tree or hedgerow lined.

Additional landscaping detail is secured by condition, as agreed at the Inquiry.

In terms of VBC, the Inspector fully considered this matter, reviewing documentation, hearing the comments of various parties, reviewing photographs and undertaking a site visit, as part of his deliberations. He agreed with the conclusion of the council, that VBC applies.

The Inspector dismissed the argument that the buildings had been abandoned and this situation has not changed since the Inquiry, through ongoing maintenance and inspection. The site is brownfield land and is the very focus of Vacant Building Credit guidance.

We trust that you will be able to support the recommendation of your officers and those matters agreed by the Planning Inspector.

Thank you

Appendix H

If we start with the site plan on page 3 and the proposal on page 4 you will notice that development is occurring on the open field to the east, which has not been previously developed and yet VBC is being applied.

If we look at the map I mentioned previously, produced by ABC for the Wye NP it clearly shows the Donkey field is not PDL.

Area calculations in Paragraph 64 draws no distinction between houses being developed in greenfield or brownfield areas.

Paragraph 64 infers that whether a site is brownfield or not is the only criteria for VBC. I have mentioned earlier the Mid Sussex District Council VBC guidance, which we understand from the applicant is what ABC applies when assessing if VBC applies. I skipped past criteria 2 for the previous application. It reads-

- That the building(s) have not been abandoned - Adequate demonstration that the factors set out by the Court of Appeal in Hughes vs Secretary of State for the Environment (2000) do not apply:
 - o The physical condition of the building;
 - o The length of time the building has not been used for its permitted purposes;
 - o Whether it has been used for any other purposes;
 - o The owner's intentions.

I have spoken on these factors at the last planning committee and you have those comments in the minutes. The applicant states about me in the report paragraph 63- 'but contain no new evidence which was not before the Council and the Inspector when they reached their view that VBC applied to the proposals'

Your department has chosen not to bring to your attention that this statement is false.

On 8th January 2021 before the appeal I emailed an officer saying-

'I have so far been unable to identify any evidence submitted by the applicant that the ADAS site is not'

On the 11th January 2021 I received the response-

'I am not aware of the submission of any evidence regarding the abandonment issue in respect of ADAS'

Before the last committee meeting I provided members with a structural survey which was not in the evidence base before the inspector.

The application of VBC amounts to a seven figure windfall to the applicant and is done so without evidence on abandonment or explanation, to the detriment of affordable housing provision in the borough. I ask members to refuse this application.

Appendix I

The plans submitted with 21/01293/AS are the same as 19/01330/AS. The Report claims to have been updated in light of NPPF2021, but again the Report casually states that *“The applicants have helpfully summarised the changes”*.

Consequently, the Report does not provide independent objective guidance related to NPPF2021, or the National Design Guide, or the National Design Code, or the Kent Downs AONB Management Plan 2021-2026. In the absence of these material considerations the Report cannot guide the Committee’s decision tonight.

The plans date from 2019 and do not address any of the raised standards in NPPF2021. In particular, design quality and a raft of climate mitigations. *The ‘sylvan setting’* relies heavily on unprotected trees, many outside the site, and the layout has not considered root protection areas for the Edwardian arboretum trees, or their fall height risks.

In March Cllr.Ovenden stressed that the S106 play and informal greenspace contributions are undeliverable without the provision of land. Officers know why the £171,300 of S106 projects listed are unachievable, yet they recommend approval. Regarding overdevelopment, the Committee considered 15 units appropriate on this site, and that development should be confined to PDL. However this plan includes two 5-bed dwellings, each with quadruple garages located on rising ground on Donkey Field. This is greenfield land that faces Wye Crown.

New national guidance in NPPF2021 provides the Committee with several strong environmental reasons to reconsider all issues, particularly quantum, design, layout, sustainability and harm to the AONB. There is also an opportunity to reconsider the lack of affordable housing provision and other public and environmental benefits. The Report identifies the omission of S106 highway improvement contributions as a new reason to object.

In March the Parish Council stressed the additional 1960s demolition waste from post-war laboratories. This remains in-situ in proposed residential gardens. This remains unaddressed.

In March the Parish Council drew attention to the out of date bat and reptile surveys. This too remains unaddressed.

Previously the Committee resolved to deem refusal on grounds of its Stodmarsh impact, inappropriate dense design, overdevelopment, unsustainable form of development and consequent harm to the AONB and its character.

The NPPF2021(para. 134) now states unequivocally: *“Development that is not well designed should be refused”*

Please be consistent and, with reinforcement from NPPF2021 and recent appeal evidence from Appealing Design, *“demand better”* to prevent an unsustainable car-dependent development in the AONB. Please refuse this application.

Appendix J

I appear on behalf of the applicant Clifford Construction.

We were surprised to note ongoing objections, especially as an initial presentation/discussion with the Parish Council, resulted generally in favourable feedback.

As a local business we have long standing connections with the area. Our intention is to proudly deliver a scheme that sits sympathetically within the village landscape. Responding to feedback we now present a well-designed scheme of 3 dwellings which will be built to the highest standard.

Our team of local trades are all trained on the latest decarbonisation techniques in addition to solid construction techniques, ensuring our buildings are environmentally responsible. Each properties heating, hot water & energy efficiency designs are bespoke, maximising performance which is sustainably efficient/effective with air/ground source heat pumps supported by solar power.

Our commitment to sustainable construction and the environment is further evidenced by our desire to install an appropriate drainage system that would have delivered a nutrient negative output not just nutrient neutral; a system that we are advised is now not acceptable given the necessity to connect to the main foul sewerage system. Installing a nutrient negative scheme would be far more costly than simply waiting for the Stodmarsh issue to be resolved but would achieve a more sustainable development.

The engineer's drainage report was commissioned as a connection to the existing foul sewer necessitated an electrical dependant foul pumping station at each dwelling. Which simply undermines a clean growth nutrient negative strategy.

Our commitment to sustainable construction extends to our consistent ecological strategy which includes the creation of onsite nature reserves evidenced locally at Chartham Hatch & Winerbourne Quarry. Only a short distance from Chilham, each site demonstrates an ability to increase the biodiversity through the inclusion of protected areas.

The wooded area alongside Church Hill is in immediate need of management accordingly we will ensure the removal of dead and dying trees whilst incorporating significant tree replanting, complimenting the incoming Environment Act requiring biodiversity enhancement.

All development and heritage issues arising, have been addressed; the Planning Officer advises that the scheme now complies with all relevant policies. This has been a lengthy application process however now with the help of our case officers and conservation team we are able to present a scheme which meets their approval. I hope members look favourably on this scheme and the construction methods which deliver a sustainable and environmentally safe design.

Appendix K

The auction catalogue for the sale of this property by ABC was released 18 days before the sale on 16/06/21 – in this time frame of under 3 weeks it is not possible to obtain meaningful answers to questions of Planning Officers.

As buyers we relied on the legally binding Local Authority Searches - in this case provided by the vendors-ABC and due diligence.

Searches stated that the site was free of TPO's and was not in a Conservation Area. The Government Planning Portal states that permission is only needed to work on Trees with a TPO or in a Conservation area – so when I bid £105,000 to buy this site there was NO permission needed to remove this tree.

I sent an email to the Tree Officer on 08/07/21, 1 week before completion, to ask if permission was needed to remove the Tree, this was simply to show that I had confirmation from ABC in writing – I wanted to act transparently.

I did not get a 'yes' or 'no' answer – Instead within 5 hours he replied 'you should not remove the tree, consult your planning agent' – I am an architect with 40 years' experience, I knew I didn't need permission.

Despite endless chasing, no further response from ABC.TO until he served the TPO on the 25/08/21 – 7 weeks after my email.

I understand the concerns of supporters of this TPO but I relied on the L.A searches and the fact that ABC were the sellers, I also reviewed the consultation with SPC (April 2021).

SPC were invited to input into the sale and made no representations. Given the enormous damage to the existing Buildings by the Tree, I concluded that ABC/SPC had properly considered the importance of the Tree prior to Auction and were happy not to protect it.

Importantly the longevity of this row of trees can now be secured by planting a new Oak tree on the boundary because all the trees here are of a similar age, with only 40 years safe life left –potentially this will allow redevelopment of this 'village' brownfield site with 1or2 modest homes.

The existing buildings are legal structures, as Sellers-ABC had no legal right to begin considering imposing anything on the property I bought in the period up to completion without notifying my solicitors of a 'potential material change of circumstances'.

Had I known I would not have Completed.