

Planning Committee

Wednesday the 18th May 2022 at 7.00pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. Requests for Deferral/Withdrawal

None

4. Schedule of Applications

(a) 21/00150/AS - Land rear of 2 to 16 Longsfield off, Quarry Wood, Aldington, Kent - Erection of 3 dwellings.

1 further letter of objection received raising the following:

- New builds cannot be accessed without crossing private land
- Overlooking
- Propane gas bottles to the rear of the properties at Longsfield represents a fire hazard
- Overdevelopment

1 representation received commenting on the committee report as follows:

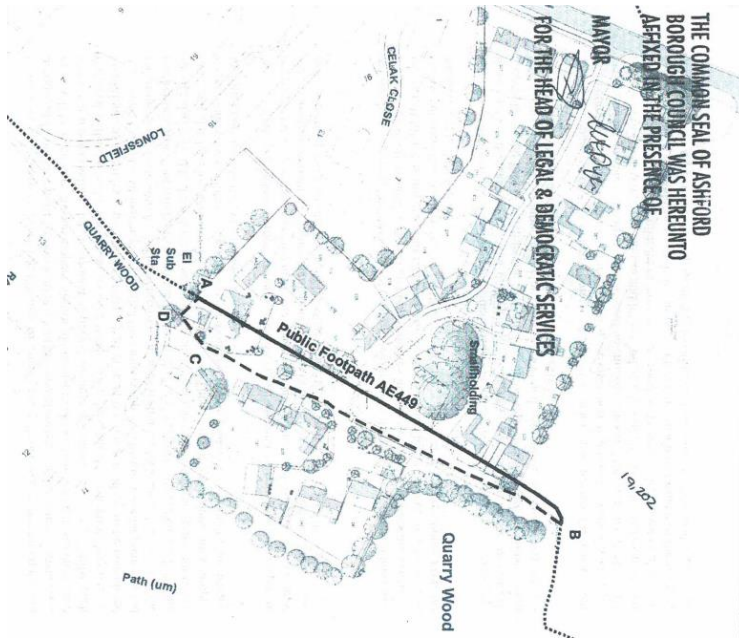
1. "PROW AE449. – The statement under Site & Surroundings Item 5 is incorrect as is item 9 under Proposals regarding a minor diversion which shows incorrectly on the drawing under this item.

The footpath runs from the corner of the site adjacent to the sub Station at the Roman Road end of the site and then goes across the site diagonally.

As requested by KCC a condition should be made that no construction should start until a new diversion has been approved.

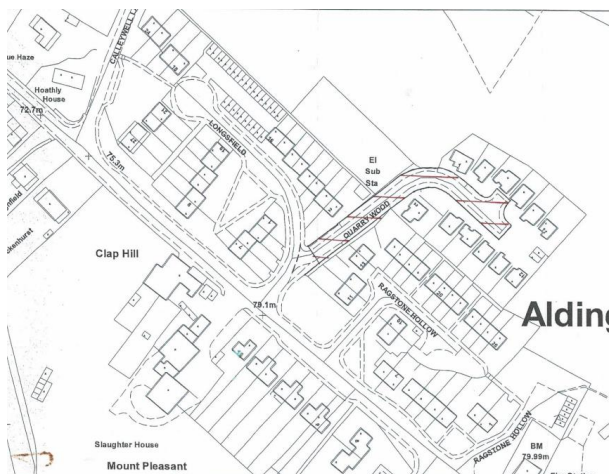
I attach the diversion order made during Wheatfields construction, together with a photograph showing the start across the site by the substation.

As requested by KCC a condition should be made that no construction should start until a new diversion has been approved.



2. Under 27 KCC Highways. The statement that the south east boundary of the site abuts the highway is incorrect. Whilst at the Roman Road end the land owned by the residents of Quarry Wood abutting the adopted highway and the site is quite narrow, at the bottom end where the site entrance is proposed the land owned by the Residents of Quarry Wood is excess of 6 feet. It would require removal of hedges and trees not owned by the applicant for which permission has not been granted.

I attach a copy of the original highway adoption by KCC, which clearly shows that KCC did not adopt the strip of land which widens together with the plan for K57282 which also shows this.



There is also a fence at the edge of the site with the space between that and the highway is clearly visible.

The current entrance to the site, which has been established a very long time is at the top end next to the substation.



I am of the view that the entrance to the site should be through the existing entrance where there is an established right of way rather than creating a new one which runs through land not owned by the applicant and is not an established right of way.

By doing this the proposed houses could be moved to be further away from the rear of Longfield.

3. With regards to the proposed houses adjacent to Quarry Wood having parking at the front, the parking could be easily moved inside the site so they are off road. This would then protect Quarry Wood from more parking and keep the space between the site and adopted highway as it is.

It would also stop the encroachment onto the land between the fence and the adopted highway owned by the residents of Quarry Wood.”

Cllr Harman has requested that the following photographs be circulated as she will wish to talk to them at the Committee meeting:





(b) 21/01292/AS - Wye College Land and Buildings, Olantigh Road, Wye Kent TN25 - Residential development of 40 dwellings with associated access road car park and open space (Re-submission of 19/1327/AS.)

Councillor Ovenden has raised concerns about the Vacant Building Credit point which he feels has not been adequately addressed in the officer's report. We have therefore got the following additional information on this point to share with Members of the Committee:

Paragraph 64 of the NPPF states in part that:

'... To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.'

Footnote 30 then clarifies what is meant by a 'proportionate amount' as being equivalent to the existing gross floorspace of the existing buildings. It goes on to confirm that this does not apply to buildings which have been abandoned.

Leading on from this, Paragraph 26 of the NPPG states that:

'National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.'

This credit applies where the buildings have not been abandoned. Through their considerations at both the application and appeal stage, both ABC and the Inspector agreed that abandonment had not occurred and therefore VBC applies. There have been no changes in circumstance since this decision was arrived at by the inspector in April 2021. The guidance at paragraph 28 of the NPPG goes on to state that:

'The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.'

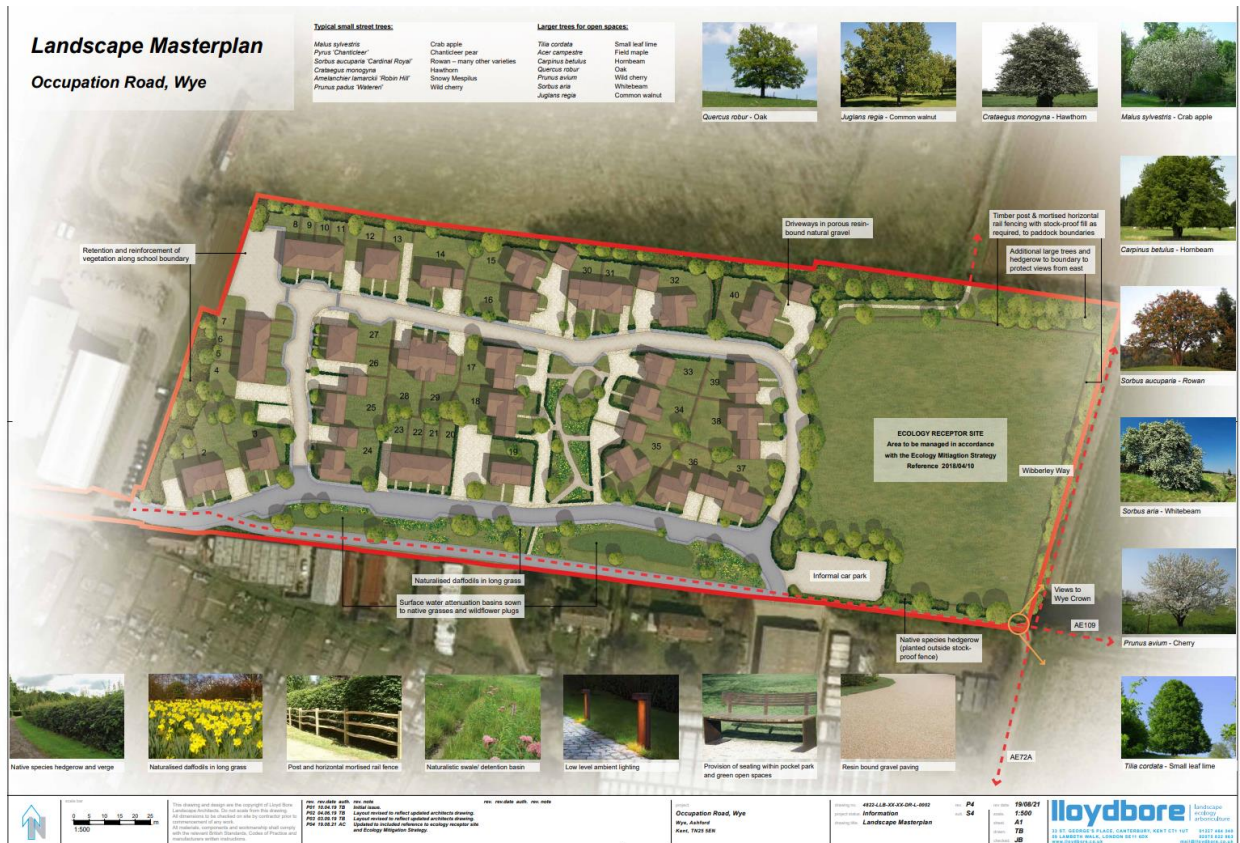
It is clear that the buildings have not been made vacant for the sole purpose of re-development and there is no extant or recently expired planning permission covering the site for the same development. As such, this meets the 2 tests as set out at paragraph 28.

As abandonment is the only reason for VBC not to apply and the Inspector, through his considerations, review of verbal and documentary evidence and site visit, determined that the buildings had not been abandoned, the only correct answer is that VBC does apply.

As existing floorspace at ADAS, even when not considering the buildings to the southern portion of the site, exceeds proposed floorspace, then Vacant Building Credit removes the requirement for affordable housing. As the existing floorspace at Occupation Road is less than that proposed (following omission of some buildings considered to be 'derelict' by the case officer), then there is a requirement for affordable housing, but it is only the additional floorspace that applies in the calculation of affordable housing. The calculations resulted in the requirement for 1.43 affordable units, rounded up to the two hereby proposed.

Whilst policy HOU1 requires the provision of 40 affordable houses on schemes of 10 or more dwellings, this is superseded by the application of national policy on Vacant Building Credit.

The applicant has asked that the following image be added to the update report:



(c) 21/01293/AS - Former A.D.A.S Offices, Olantigh Road, Wye, Ashford TN25 5EL - Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space

See comments on Vacant Building Credit under application reference 21/01292/AS

The applicant has asked that the following image be added to the update report:



(d) 21/00577/AS - The Barn The Bothy, and Land at rear of 9, Church Hill, Chilham - Demolition of The Bothy Barn and the erection of three detached dwellings with associated accesses, parking and landscaping.

No updates

(e) 21/01506/AS - Potts Farm, Chennell Park Road, Tenterden, Kent, TN30 6XA - Conversion of existing stables outbuilding to residential annexe to include areas of hardstanding and package treatment plant

No updates.

7. TPO/22/00001 - Confirmation of Tree Preservation Order No. 1, 2022 - Garage area to the rear of 17 and 18 Glebe Close, Smarden

Further comments from the Tree Officer regarding the alleged damage to buildings:

Having re-assessed the objection comments made by the owner regarding the alleged damaged caused to what are variously described as 'building' and 'buildings', it would seem that only the garage block is identified as a structure that has been alleged to have been damaged by the agency of T1 Oak, and as such, the Council is unaware of any further damage to surrounding structures that may have been caused by the tree's agency.