

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **23rd May 2018**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Galpin, Heyes, Hicks, W Howard, Knowles, Krause, Ovenden, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii) Councillor W Howard attended as Substitute Member for Councillor Bradford.

Apologies:

Cllrs. Bradford, Chilton.

Also Present:

Cllrs. Bell, Mrs Bell, Miss Martin.

Head of Development Management and Strategic Sites; Joint Development Control Manager; Local Transport and Development Planner (Kent County Council Highways and Transportation); Head of Planning and Development; Principal Solicitor (Strategic Development); Senior Solicitor (Strategic Development); Senior Member Services Officer

21 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	24 – 17/01446/AS
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	24 – 17/01446/AS
Clarkson	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	24 – 17/01446/AS
Clokie	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	24 – 17/01446/AS

22 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 18th April 2018 be approved and confirmed as a correct record.

23 Information/Monitoring Items

The Chairman advised it was possible that at the June Planning Committee meeting there would be an application from Wye College to be considered. Having already had a short tour of the College, he, along with the Portfolio Holder and the Vice-Chairman, thought it would be an advantage for Members of the Planning Committee to also make an informal site visit of the buildings. With this in mind he had asked the Officers to contact the Agent to arrange some possible dates for a visit. The visit would not be held on the evening prior to the Committee Meeting. When, and if, dates were agreed, Committee Members would be emailed with the result. He personally recommended visiting the site if possible.

24 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

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

decisions be made in respect of Planning Applications as follows: -

Application Number	17/01446/AS	
Location	Land North East of 74, North Street, Biddenden, Kent	
Grid Reference	85181/38818	
Parish Council	Biddenden	
Ward	Biddenden	
Application Description	Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from North Street. All matters reserved except for means of access to North Street.	
Applicant	Gladman Developments Ltd	
Site Area	10.73 hectares	
(a) 213/315R	(b) Biddenden - R	(c) KHS - X, KCC SuDS - X, EA - X, SWS - X, KCCE - X, PROW - X, KCCDC - X, KAS - X, Housing - X, EH - X, ES - X, BTOD - X, CSCF - X, NHS - X, POL - X, KWT - X, WKPS - R, CPRE - R, RA - X

The Head of Development Management and Strategic Sites directed Members' attention to the Update Report which included several points to take note of: - the comments of the Campaign to Protect Rural England; comments in objection from the Ramblers' Association; five additional representations in objection to the application; three errors within the report; and an amended recommendation to refuse the application.

In accordance with Procedure Rule 9.3 Mr Baldwin, a local resident, spoke in objection to the application. He said that there was considerable opposition to this development with over 300 objections from the village. New homes were needed but these needed to be in suitable areas like Ashford, not in a village where there was only a handful of jobs, little retail other than hospitality and contrary to the Officer's report, poor transport links. The main bus service was just 56 journeys over six days and had been listed as 'under threat' by KCC. At peak times buses were full with school children and Southeastern trains had published plans to halve services from

Headcorn. The Officers report highlighted most of the issues but he wanted to advise that this proposal would increase the developed village by more than 25% - more than the infrastructure could cope with. It would add 30% to the housing stock despite the additional 45 homes already recently permitted. Biddenden had satisfied Local Plan requirements for additional housing. This substantial planned development already put considerable pressure on resources, but a proposal like this would take them beyond breaking point. The village already had regular power cuts; sewage backed up and flooded which Southern Water identified as another risk; police cover was under pressure and they forecasted another 20% uplift in crime in the village without yet knowing who was moving in; doctors were under siege from new developments in Headcorn and Tenterden let alone Biddenden; pathways along the A272 were poor and dangerous, on the east side of North Street, next to PK Produce, vans and delivery lorries parked on the pathway forcing pedestrians in to the road, it was particularly dangerous between nos. 58 and 54 and this had not been addressed by KCC, the pavement was less than 1 metre wide which was of course not wide enough for a wheelchair. There was no pavement on the west side of North Street which already had development planned. Every adult on this estate would need a car which would necessitate at least two car parking spaces, excluding visitors, and the winding pot-holed local roads were not safe for cyclists. Each adult would make car journeys for work, shopping and other needs and in the village they would struggle to park safely. The proposal showed an entrance on a curve in the road, obscured by nearby properties and preserved trees and strangely at a gap in a hedge caused by a vehicle involved in a RTC. The clay field was unsuitable for development. Following rain, water ponded spontaneously and it waterlogged. Nearby houses suffered from subsidence, several were underpinned and land drainage would not fix it. Several areas shown for recreation would be waterlogged for six months and unused, house gardens would not be pleasant either, and water pooled in areas marked as footpaths around 62 and 62A making these unusable. The impact on wildlife would be considerable and resident woodpeckers and endangered species were not even mentioned. He considered this development was economically and environmentally unsustainable. The Applicant stated that footpaths and open spaces would be maintained through a private maintenance contract charged to residents – ground rent, which the Government had recently indicated it was opposed to. The village trusted that the Committee would decide that this excessive development, in contravention of the Borough's own policies, must be rejected.

In accordance with Procedure Rule 9.3 Mr Tydeman, Chairman of Biddenden Parish Council, spoke in objection to the application. He said that the Parish Council had already recorded its objection to this application both in letter and on-line. In addition there had been objections from over 300 individual Parishioners. Over 30 Councillors and Parishioners had attended with him tonight, such was the strength of feeling in the Parish regarding this application. They wanted to be sure that this Meeting understood and appreciated why they were objecting. At the outset he wanted to emphasise that they understood and supported the requirement for new houses and in particular low cost housing to meet the needs of a growing population, however developments had to be properly and sympathetically developed within the context

of that community. They were not against housing development in their Parish, but they were strongly and completely united against this inappropriate, unfeeling and speculative development – they did not like it and they did not want it. He did not want to repeat in detail all of the objections laid out in their letter, but he did want to summarise and provide context to them. They believed that their objections were fair and properly reflected the feelings of their community and the manner, arrogance and lack of understanding displayed by this speculative developer. They objected to the size of the development which would at a stroke increase the size of the village by almost 25%. They objected to the impact on, and destruction of, their heritage which would be caused by the development. They objected to the purely speculative nature of the application which demonstrated a contempt for local democracy and rode roughshod over the local planning processes. These processes existed to provide appropriate development within an understanding of the local environment. They objected because of the unsuitability of the land proposed for this development which was beset by winter flooding and this had been ignored by the developer and would undoubtedly exacerbate existing drainage problems in the area. They objected because of the severe limitations in their local infrastructure including highways, transport, medical facilities and schools, that were not able to support such a large development. They objected to the lack of understanding of the road structure - the very dangerous access to the site was on a blind bend in both directions. They objected because of the increased traffic flow that would be caused by the need to commute, because there were little or no employment opportunities locally, and the detrimental impact this would have on the environment, particularly in terms of road safety and pollution. They objected because of a disingenuous community consultation from the developer in an attempt to show local support for the development – there was none. In conclusion, Biddenden Parish Council objected unreservedly to this inappropriate and speculative application and asked the Committee to reject it.

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

Resolved:

That if the application had been determined by Ashford Borough Council, Members would have:

Refused

on the following grounds:

1. The proposal would represent unsustainable and unacceptable development contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9, EN10 and EN27, Core Strategy 2008 policies CS1, CS6 and CS9, Tenterden and Rural Sites DPD 2010 Policies TRS1, TRS2, TRS17 and TRS18, submission Local Plan 2030 policies SP1, SP2, SP6, ENV5 and HOU5, the National Planning Policy Framework and Planning Policy Guidance, , the adopted Landscape Character SPD and the Biddenden Village Design Statement for the following reasons:-

- a) the scale and quantum of proposed development in this third tier settlement with fewer day-to-day facilities and services than higher tier settlements would have an adverse cumulative impact on the sustainability of the Development Plan spatial strategy in conjunction with existing planned development ;
 - b) the eastern edge of village location is an important gateway into the village and this scale, amount, location and disposition of development proposed would have a significant adverse urbanising impact, out of character with the established edge of settlement character and traditional rural settlement form, and would be unacceptably harmful to the visual amenity and character of the area. It would erode this established edge of settlement character which acts as an important transitional area between the village and countryside beyond so that it would be unacceptably harmful to the local landscape character of the village, its distinctiveness and sense of place;
 - c) the extension of the village to the east would harm a valued landscape which forms part of the Biddenden and High Halden Farmlands Landscape Character Area, impacting upon its acknowledged local rural character that forms an important component of the environs and approach to Biddenden;
 - d) the amount and location of the development proposed would have an adverse impact on the character and landscape views currently available from PROW AT12, to the detriment of the landscape and how the settlement of Biddenden is experienced by users within that landscape, as well as the amenity of the PROW;
 - e) The scale and quantity of the development proposed, when taken cumulatively with other development planned for the settlement, would represent a level of growth out of proportion to the size, scale and character of Biddenden, which could not be successfully integrated into the village in visual terms
2. The proposal would be contrary to Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policies SP1, SP6, HOU5 and ENV13, the National Planning Policy Framework and Planning Policy Guidance and would result in less than substantial harm to the significance and setting of a number of designated heritage assets, which is not outweighed by the public benefits of the development cited by the applicant, for the following reasons:-
- a) the amount and location of development would result in a loss of the open setting and have an urbanising effect on the setting of the listed buildings at 41 North Street, The Laurels/ Tow House and 66 and 68 North Street, in conflict with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990;

3. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Core Strategy 2008 and submission Local Plan to 2030 policies COM1 and COM2, the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet the demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- a. 35% of the units as affordable housing;
 - b. a financial contribution towards primary and secondary school infrastructure projects, library bookstock, improved adult social care facilities, improvements to outdoor sports pitches, improvements to play area, strategic parks project and extensions and upgrade of doctor's surgery; and
 - c. contributions to heritage projects by Biddenden Parish Council.

as set out in Table 1.

Table 1

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1.	Affordable Housing Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (5%), number of bedrooms and size of bedrooms as specified. The affordable housing	Up to 39 Affordable Units Breakdown to be agreed at Reserved Matters Stage	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's.		
2.	Primary Schools Project: Towards the expansion of John Mayne Primary School for two new classrooms and a new hall.	£3,324.00 per *applicable house. £831.00 per *applicable flat *Applicable excludes 1 bed units of less than 56 sqm GIA.	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
3.	Secondary Schools Project: Norton Knatchbull enabling works including extra hard play area and parking facilities, to facilitate the construction of the additional teaching block.	£4,115.00 per *applicable dwelling £1,029.00 per *applicable flat *Applicable excludes 1 bed units of less than 56 sqm GIA.	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
4.	Libraries Towards additional	£48.02 per dwelling	Half the contribution upon occupation of 25% of the

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	bookstock for the mobile library service attending in Biddenden.		dwellings and balance on occupation of 50% of the dwellings
5.	Adult Social Care Project: Tenterden Day Centre adaptations and changing place facility	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
6.	Sports Outdoor Project: Offsite provision at Gordon Jones playing field to bring all sports pitches up to a good standard and increase playing capacity.	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	Upon occupation of 75% of the dwellings
7.	Children's and Young People's Play Space Project: offsite contribution to improvements/upgrading/expansion to the play area at Cheeselands	£649 per dwelling for capital costs £663 per dwelling for maintenance	Upon occupation of 75% of the dwellings
8.	Strategic Parks Project: changing facilities towards the development of Conningbrook Lakes Country Park	£146 per dwelling for capital costs £47 per dwelling for maintenance	Upon occupation of 75% of the dwellings
9.	Health Care		

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	Project: of extension, refurbishment and/or upgrade of Ivy Court Surgery, Tenterden	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
10.	<p>Heritage and Community Project: fixtures, fittings and boards in the Biddenden Heritage Centre (former Post Office)</p> <p>Project: Heritage Shelter with information boards on the dismantle railway heritage trail</p> <p>Project: notice boards on the heritage trail</p>	<p>£6,000</p> <p>£7,500</p> <p>Up to 3 boards £6,000</p>	Upon occupation of 75% of the dwellings
11.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.</p>	£1,000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years.
<p>Regulation 123(3) compliance: Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p>			

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.		

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance;

- The 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	17/00952/AS
Location	Land East of Hope House, Ashford Road, High Halden, Kent
Grid Reference	89481/37282
Parish Council	High Halden
Ward	Weald Central
Application	Outline application for a residential development of up to 28

Description	dwellings with access from the A28.		
Applicant	Crabtree and Crabtree (High Halden) Ltd		
Agent	Mr S Davies, Hobbs Parker Property Consultants, Romney House, Monument Way,		
Site Area	2.17 hectares		
(a) 86/29R & petition with 87 signatories R	(b) Parish Council R	(c)	KH&T X, KCCD X, KCC (Dev) X, EA -, EHM X, PO X, POS X, ABC (Housing) X, KCC (Bio) X, SW X, KWT R, NE X, NHS -

The Head of Development Management and Strategic Sites directed Members' attention to the Update Report which advised there had been three further representations objecting to the proposal and the grounds for these objections were listed in full.

In accordance with Procedure Rule 9.3 Mr Ball, a local resident, spoke in objection to the application. He said that the development failed to meet two specific tests as well as raising a myriad of other issues. The first was in relation to highway issues. The site was previously submitted for development in 1993 and consent was refused with one of the primary reasons being on highway grounds – the junction was considered sub-standard, there was inadequate visibility and it was detrimental to highway safety. Since the refusal the type and volume of traffic using the A28 had increased exponentially and continued to do so. The speed of the traffic had increased significantly, evidenced by the Applicant's own data set which showed traffic emerging from a 30mph area travelling at over 36mph. KCC's own highway officer in 2017 stated the developers were unable to achieve the desired western splay of 94m and despite other mitigation, this application still failed to address certain issues, particularly in that respect. He also refused to accept an increase of the 30mph limit as was suggested. There was also a problem in the area with the footpaths, whereby neither the developer nor KCC had accepted the minimum guidelines set out by Highways England. Neither ABC or KCC should be allowed to ignore or overrule the minimum safety standards required for this site. The second test concerned housing need and the current consented policies. In the Officer's report the developer stated that ABC could not meet its five year supply and was trying to justify the need for consent on the basis that ABC could not address this land supply. However, elsewhere in the report, the Officer stated that the Council could deliver the five year housing land supply. The report also made it clear that the prevailing approved policy set in 2010 – TRS1 – did not allocate any site as being suitable in a third tier settlement such as High Halden. To date, two schemes had already been consented in High Halden which gave a total of 38 units so ABC had singly failed to adhere to its own guidelines and this was acknowledged in the report. Policy TRS 2 stated that certain exception criteria could be allowed for development outside the built confines

of the built up area, however this proposal failed to meet any of the criteria set out in that policy. Therefore, even if the Committee took into account the emerging policy which had not yet been approved, the existing policies must be adhered to. In conclusion, he said that by the Officer's own admission this application failed to meet the set criteria as currently stated.

In accordance with Procedure Rule 9.3 Mr Davies, the Agent, spoke in support of the application. He said that the Officer's report provided a good summary of the application and the issues it raised and concluded that planning permission should be forthcoming for this site. He noted that the report highlighted that the Council now considered it could demonstrate a deliverable five year housing land supply and this was good news for the Council and brought benefits in being able to resist speculative development on unallocated and unwanted sites. However, this assessment was based on the realistic prospect of housing delivery on a range of sites identified both in the adopted Development Plan and within the submission version of the Local Plan to 2030. This application related to a small allocated site within the submission Local Plan and this was therefore in part justification of the Council's five year land supply. Not accepting its deliverability at this stage could undermine this position. The Officer's report set out why this application was satisfactory, including its access, highway safety, ecology and heritage matters and there were considered no grounds for objection on prematurity or any other substantive reasons for not granting planning permission on this site at this stage, given the advanced nature of the submission version of the Local Plan. In other respects, the Applicant was agreeable to meeting the Council's requests for development contributions as well as the provision of affordable housing, all as set out in the plan. He therefore urged the Committee to support this application in accordance with the Officer's recommendation.

In accordance with Procedure Rule 9.3 Mr Robinson of High Halden Parish Council, spoke in objection to the application. He said that the Parish Council had supported the principle of development on this plot as included in the draft Local Plan to 2030 as infill – it was now included within the village's own draft confines. However, they objected to this specific scheme, principally on grounds of unacceptable means of access to and from the busy A28. There was no provision made for residents to safely cross the busy main road. The proposal to add a stretch of footpath eastwards to the nearest bus stop, would lead to pedestrians having to try and cross the road there and did not appear to be safe, viable or practical. Pedestrians would have to cross in the face of increasing traffic volumes, which included heavy lorries and agricultural vehicles. These larger and heavier vehicles already struggled to pass between the traffic islands and continued to cause damage to drains and pavements. The volume of traffic was already heavy and only likely to increase further as the large developments planned and underway in South Ashford and Tenterden progressed, adding to the degree of difficulty in accessing the A28 from this proposed development and crossing the A28 for pedestrians. They also questioned the KCC view that there were adequate and permanent sightlines – the hedges involved would require regular maintenance to ensure these did remain unaffected. They believed a controlled pedestrian crossing would provide a better and safer

option than a simple extension of the footpath. The existing plan for the footpath remained a serious concern as children would have to cross the road to access existing play facilities and the school safely.

During the debate, the Leader of the Council indicated that separate discussions could take place with regard to looking into the possibility of a contribution to assist with the cost of such a pedestrian crossing.

Resolved:

- (A) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Affordable Housing</u> Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared</p>	<p>35% of units as affordable housing with 60% affordable rent units</p> <p>40% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.		
2.	<u>Children's and Young People's Play</u> Contribution towards the provision of new swings and additional play equipment together with safer surface	£649 per dwelling for capital costs £663 per dwelling for maintenance	Before completion of 75% of the dwellings
3.	<u>Informal/Natural Space</u> Contribution towards upgrading the pond at Hopes Grove, High Halden and planting of trees at Hookstead Green	£434 per dwelling for capital costs £325 per dwelling for maintenance	Before completion of 75% of the dwellings
4.	<u>Outdoor Sports</u> Contribution towards the provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	Before completion of 75% of the dwellings
5.	<u>Strategic Parks</u>		

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	Contribution towards signage	£146 per dwelling for capital costs	Before completion of 75% of the dwellings
	Conningbrook Lakes Country Park.	£47 per dwelling for maintenance	
6.	Allotments Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments.	£258 per dwelling for capital costs £66 per dwelling for future maintenance	Before completion of 75% of the dwellings
7.	<u>Secondary Schools</u> Towards Norton Knatchbull School Dining Hall expansion	£ 4115.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
8.	<u>Libraries</u> Contribution for additional bookstock at libraries in the Borough.	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
9.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the</p>			

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
<p>negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs. If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>		

(B) Grant Outline Planning Permission

Subject to the following conditions and notes:

Implementation

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

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

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

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

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

Approved Plans

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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.

Architecture

4. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

Highways

5. Prior to commencement of any works on site, a detailed highway layout drawing shall be submitted showing the proposed 30mph speed limit extension in a south westerly direction by approximately 80m. The drawing shall include details of the removal of the existing traffic island, proposed footway to the existing westbound bus stop and details of the new gateway feature to accompany the relocated 30mph speed limit. The works shall be completed prior to the first occupation of any dwelling in accordance with the approved details.

Reason: In the interests of Highway Safety.

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number T-04 Revision P2 and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

7. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking and/or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

8. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holidays.

Reason: To protect the amenity of local residents.

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
- a) Routing of construction and delivery vehicles to / from site;
 - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
 - c) Details of areas for the storage of plant and materials;
 - d) A programme of works including details of the timing of deliveries
 - e) Details of temporary traffic management / signage
 - f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
 - g) Provision of measures to prevent the discharge of surface water onto the highway.

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

10. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling
- a) Footways, with the exception of the wearing course
 - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).
 - c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

Reason: In the interests of Highway and pedestrian Safety.

Drainage

11. Prior to the commencement of the development details of the proposed means of foul water disposal and the maintenance of such, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained and maintained as such.

Reason: To ensure the satisfactory disposal of sewage and avoid the risk of pollution.

12. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Surface Water Management Strategy by RMB Consultants (dated June 2017) which demonstrates that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

13. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

Environmental protection

-
14. If unexpected contamination is 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 be undertaken prior to the commencement of development, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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 (LDF Core Strategy Policy CS1 and CS4).

Hard and Soft Landscaping/Trees

15. In this condition "retained tree" means an existing tree 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 occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
 - b. If any tree is removed, uprooted or 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 Local Planning Authority.
 - c. All retained trees 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). Such tree protection measures shall remain throughout the period of demolition and construction.
 - d. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
 - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - f. 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;

- g. 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.
- h. 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: In order to protect and enhance the appearance and character of the site and locality.

16. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interest of visual amenity.

17. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

Reason: In the interests of visual amenity

18. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

Ecology

19. No development shall take place (including any ground works, site or vegetation clearance) until an ecological mitigation and enhancement strategy and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Updated Ecological scoping survey and any recommended specific species surveys.
 - b) Updated Badger survey.
 - c) Purpose and objectives for the proposed works.
 - d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
 - e) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans.
 - f) Maps showing the location and types of ecological enhancements.
 - g) Aims and objectives of the management.
 - h) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
 - i) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
 - j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
 - k) Details of the body or organisation responsible for implementation of the plan.
 - l) Ongoing monitoring and remedial measures.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

Space Standards

20. The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and external private space that complies with the Council's Residential Space and Layout SPD.

Reason: In the interest of the amenity of future occupiers.

Lighting

21. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area and local residents from light pollution.

Development restrictions

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, B and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality.

Refuse

24. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be

submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

Sustainability

25. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. 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 charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

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.

26. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

Broadband

27. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: in the interests of providing good broadband connections

Pedestrian Crossing

28. Prior to the construction of any dwelling above slab level, a detailed design for the provision of a pedestrian crossing of the A28 at a location and to a design to be agreed by the Local Planning Authority in consultation with Kent Highways and Transportation shall be submitted to and agreed in writing by the Local Planning Authority. Subject to the agreed design details obtaining formal approval from the Highway Authority no dwelling shall be occupied until the crossing has been provided.

Reason: In the interests of Highway and pedestrian Safety.

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance:

- The applicant was provided with the opportunity to submit further information to address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

-
3. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.
 4. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
 5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

6. The applicant is advised that the detailed drainage design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016. The detailed design should also consider and address the maintenance of water quality before discharge to watercourse.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and

consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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.

Application Number	17/01320/AS	
Location	Land adjacent to Old Corn Store, Pluckley Road, Charing, Kent	
Grid Reference	594740/148783	
Parish Council	Charing	
Ward	Charing	
Application Description	Outline application for the erection of 3 No. new dwellings with shared access driveway and associated external works	
Applicant	Ms A Pattinson	
Agent	Mr N Blunt, Urban Curve Architecture	
Site Area	0.33ha	
(a) 11/1R, 1S	(b) Charing PC S	(c) BTOH -; KCCE X, EH X, BTOD X; SWS X

The Head of Development Management and Strategic Sites directed Members' attention to the Update Report which advised that since the preparation of the report, the Agent had requested the application be amended to two dwellings. This plan removed the third property and in doing so significantly increased the already large spacing to Broadway Cottages to over 120m and removed any buildings from in front

of Broadway House. In his view this overcame the reasons for refusal. He had been advised that the application would need to be withdrawn from the agenda and re-advertised as materially different to that applied for. He had therefore requested it to stay as three dwellings but that Members be advised that this was an option. A revised layout was included within the Update Report as well as some photos of the site, an urban grain analysis of the two dwelling option and a corrected site plan from that included in the report.

In accordance with Procedure Rule 9.3 Mr Blunt, the Agent, spoke in support of the application. He firstly wanted to clarify a couple of points on behalf of the Applicant. The overlap of this application with the Gladman appeal on the adjacent site was purely unfortunate timing on her behalf. August 2017 was the soonest she was in a position to make an application after inheriting the land from her parents. Her parents formerly owned the adjacent Old Corn Store and when it was sold they retained the application site which was part of their garden. The key aspect of this second point was that, as a garden with no intervening planning use, under the High Court's Dartford ruling in March 2017, garden land outside urban areas qualified as previously developed land. Under the core principle NPPF Paragraph 17, planning should encourage the effective use of previously developed land by re-using brownfield sites. This was not the picture of the site that was presented in the Officer's report or in the Heritage Assessment where the site was wrongly presented as a greenfield wooded site – it had never been wooded and many of the boundary trees fell outside the boundary. For many years it was a domestic garden which became unkempt and now benefitted from dense boundary screening, was protected by a TPO and afforded only limited glimpses into and through the site. The Officer's report confirmed that there were no issues in terms of highways, ecology, trees or drainage. The Parish Council supported the proposals and 14 out of 15 neighbours would like to see the site developed. That left the issue of the setting of the nearby heritage assets, particularly nos. 1 and 2 Broadway Cottages. They were aware of the desire to be consistent with the heritage case made in the Gladman Inquiry but the stance taken by Officers that no form of development on this site would be considered acceptable missed many points, both in relation to planning policy and a comparison of the two sites. The definition of a heritage asset in the NPPF stated that it was not fixed and may be changed as its surroundings evolved. Elements of the setting may make a positive, negative or neutral contribution. The Heritage Assessment confirmed that the proposal would cause less than substantial harm to the designated asset and Paragraph 134 of the NPPF stated that where this was the case harm should be weighed against the benefits of the proposals, including securing the optimum viable use. As mentioned, the site plan presented by Officers incorrectly showed the gap as being only 18m from the listed cottages – it was in fact 68m, with a distance to the nearest house of 87m. The site occupied only 53% of the existing gap and the built form would occupy less than 20%, leaving plenty of room for glimpses of the fields beyond. The site density at only 11.5 dwellings per hectare could not reasonably be defined as over-development. A comparison of this site with the Gladman one in terms of the setting of Broadway Cottages could not be more different. Gladman wanted to build 235 dwellings in a suburban estate on greenfield land with no screening between the site and the rear of Broadway Cottages. It would

completely change the character of the setting. Whereas in contrast this proposal was for three modest dwellings on a brownfield site that was so well screened it was barely visible from outside the protected boundary and would be 87m from the blank side elevation of Broadway Cottages. They held the strong view that this scheme would have a negligible impact on the wider setting of the heritage assets and that any harm would be more than offset by the positive benefits of much needed housing to meet the identified local need on a brownfield development site. He therefore asked the Committee to support this proposal.

Resolved:

Grant Outline Planning Permission

Subject to the following conditions and notes:-

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

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

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

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

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

3. Written details including source/manufacturer, and samples of bricks, tiles and cladding materials to be used externally and in the construction of any hard surfacing shall be submitted to and approved in writing by the Local Planning Authority at the same time as the details required for condition 1 and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

-
4. Vehicle parking spaces to the standards in the adopted Residential Parking and Design Guidance SPD shall be shown on the plans pursuant to Condition 1 above and shall be provided in accordance with the approved plans prior to the occupation of the dwellings hereby approved and shall be retained for the use of the occupiers of, and visitors to, the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

5. Prior to the first occupation of the dwellings hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be completed prior to the first occupation of the development and shall thereafter be maintained.

Reason: In the interests of visual amenity.

6. Prior to the first occupation of the dwellings hereby approved, details of bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage facilities shall be completed prior to the first occupation of the development and shall thereafter be maintained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

7. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before any works above foundation level. The walls and fences shall then be erected before the dwellings are occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

8. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and maintained in accordance with these details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20.

9. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

10. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

11. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The approved parking, loading and turning areas shall be provided prior to the commencement of development and retained throughout the development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

12. The approved development shall be carried out in such a manner as to avoid damage to existing vegetation and landscape features to be retained by observing the following: All areas and features to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012 or otherwise to the satisfaction of the Local Planning Authority. Such protection measures shall be installed prior to the commencement of development and remain throughout the period of construction; No materials or equipment shall be stored within the protected area and no works shall be carried out within the protected area without the written consent of the Local Planning Authority. Operations adjacent to protected areas shall be carried out in a manner to prevent contamination from dust, litter, and other contaminated substances.

Reason: To preserve the character of the Conservation Area and protect existing vegetation including mature trees on the site.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior written approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

14. Prior to the commencement of the development a statement demonstrating the measures to be taken to minimise light pollution and to comply with the Council's Dark Skies SPD 2014 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to minimise light pollution in accordance with the Dark Skies SPD.

15. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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.

16. 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.

Notes to Applicant

1. Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,

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

In this instance:

- The applicant was provided with the opportunity to submit further information to address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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.

Application Number	18/00065/AS	
Location	37 Sparkeswood Avenue, Rolvenden, Cranbrook, Kent, TN17 4LZ	
Grid Reference	84477/31588	
Parish Council	Rolvenden	
Ward	Rolvenden & Tenterden West	
Application Description	Proposed 3 bedroom detached dwelling adjacent to 37 Sparkeswood Avenue	
Applicant	Mr A Burgess, 37 Sparkeswood Avenue, Rolvenden	
Agent	N/A	
Site Area	0.047ha	
(a) 10/12R 2+	(b) R	(c) KHS/-

The Head of Development Management and Strategic Sites directed Members' attention to the Update Report which included the full comments of Rolvenden Parish Council. Two photographs were also on display at the meeting as submitted by the Parish Council.

In accordance with Procedure Rule 9.3 Mr Betts, a local resident spoke in objection to the application. He said he lived in Sparkeswood Avenue, more or less opposite to the application site, and he had been asked to speak on behalf of neighbours and the local community in objection to the proposal – many of those were present at the meeting. They had lived in their house for 25 years, raised a family and been extremely content with the locality. His home, along with those of his neighbours had all of the windows in the living areas facing the proposed building site. The only windows to the back of the house were the landing and the kitchen and to say that losing this valuable space in the Avenue did not matter was simply not true. The sun streamed through this space flooding their homes with evening sunlight and moved across the houses like a yearly sun dial, giving them all great pleasure and adding to the beauty of the Avenue. A house in this gap would change the outlook and aspect of their accommodation. The terracing effect had been dismissed in the report, but as the houses opposite were higher up, the view from their windows would make it look very much like a terraced row. There was also a parking problem with parking only available on one side of the street due to width restrictions in the Avenue. Parking on the street was busier than ever and really had reached crisis point. People were already parking on pavements due to a lack of space and an additional house and driveway would further reduce available parking spaces for existing

residents due to restricted space between them. This meant more people parking on pavements and this would eventually lead to hostility between residents trying to find a space to park near their homes. This would also cause access problems for emergency vehicles. Even now, children, pushchair and wheelchair users were pushed in to the road due to pavement parking, which was already a dangerous situation that would be made even worse by restricting existing parking. He said in summary, as a community they felt that all of the points they had mentioned would harm the amenity of the area and negatively affect the community. The green open spaces from the original design of the Avenue had been maintained for 70 years and as a community they felt that they should be kept that way.

In accordance with Procedure Rule 9.3 Mr Murray of Rolvenden Parish Council spoke in objection to the application. He said that the Parish Council had two unanimous major points of concern on this matter – parking and architecture. With regard to architecture, he could confirm that the land owner of the Sparkeswood Estate, Mr Thorburn, had made this land available in 1949 to meet a housing need and had insisted on the wide frontages, wide spaces and variety between houses, the meandering street and the retention of many trees – hence the name Avenue. The width, varying aspects of plots and tree planting reflected the exceptional attractiveness to be found in the high streets of both Tenterden and Rolvenden. Sparkeswood Avenue was a fine street and remarkable for a traditional Council estate and residents were rightly proud and happy to live there. The gaps between houses were essential to the architecture and provided visual links to the high street and the countryside along the length of the Avenue. These gaps were not accidental. They were a deliberate and considered design feature in the street as a whole and with the wellbeing of the residents in mind. It could be compared to music and the difference between sophisticated music with silences and pauses as compared to the constant and relentless rhythm which some preferred. He hoped the Committee would allow Rolvenden to retain its elegant Avenue as intended. Turning to parking, this had been a big issue for a number of years. Residents were already very short of parking and cars and vans could often be seen on verges with vehicles sometimes having to park in the high street – the very busy A28. The Parish Council responded to requests from residents in 2011 and carried out a leaflet drop and survey on how more parking could be achieved, but it had not been possible. The only possibility was to build over the cherished green spaces, but even then the required crossovers would have wiped out the gain in off-road spaces. It was not generally understood, but the construction of a crossover would remove two car parking spaces from the road to allow two cars in to the new driveway, and worse than that it removed two public spaces, already in short supply, to create two private spaces. Therefore, for this proposal, if residents continued to park across the new driveway as he considered they would be entitled to do, the new residents would have to park their cars elsewhere in the already packed Avenue. If more typically, polite residents chose to leave a gap in to the property, they would then lose two public spaces to allow access for the two new private ones. Either way, there would be two additional cars, and two fewer spaces for existing residents where there was already a problem. This would just make a bad situation even worse and was not fair to

existing residents. Allowing this infill proposal would adversely affect existing residents and he urged the Committee to reject the proposal.

Resolved:

Refuse

On the following grounds,

1. The proposal would be contrary to Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policy TRS1 of the Tenterden and Rural Sites DPD 2010 and Policy EN16 of the Ashford Borough Local Plan 2000, and emerging Policies SP6, HOU3a HOU10 of the Ashford Borough Local Plan 2030, and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:
 - (a) The proposal would represent the loss of an important gap in the street scene which contributes to the visual amenity of the area, eroding the diversity of the surroundings to the detriment of amenity .

Notes to Applicant

1. Working with the Applicant
 - In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service,
 - as appropriate updating applicants/agents of any issues that may arise in the processing of their application
 - where possible suggesting solutions to secure a successful outcome,
 - informing applicants/agents of any likely recommendation of refusal prior to a decision and,
 - by adhering to the requirements of the Development Management Customer Charter.

In this instance

- The applicant was informed/advised how the proposal did not accord with the development plan, that no material considerations are

apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.

Application Number	18/00097/AS
Location	Thatched Cottage, Cherry Orchard Lane, Bonnington, Ashford, Kent, TN25 7AZ
Grid Reference	051218/358824
Parish Council	Aldington & Bonnington
Ward	Saxon Shore
Application Description	Change of use of existing outbuilding to a holiday let
Applicant	Mr. & Mrs. W. Pielow
Agent	Mr. P. Webster
Site Area	0.31ha
(a) 1/R	(b) Aldington & (c) PROW/ x RAM - Bonnington Parish Council x

The Head of Development Management and Strategic Sites directed Members' attention to the Update Report which included a proposed amended Condition 3.

In accordance with Procedure Rule 9.3 Mr Dove, a local resident, spoke in objection to the application. He said that he had lived in the neighbouring cottage for 13 years and enjoyed the peace and quiet and privacy of living in such a secluded rural location. He currently lived there with his fiancé and young son. He was not the sort of person who readily objected to things, but his family did feel quite strongly about the effect this proposal would have on their lifestyle. His primary concern was that having a holiday home so close to the entrance of their property would spoil the enjoyment of their home and gardens. He was also concerned that the comings and goings of holidaymakers would compromise the security and feeling of safety of his family as this was an extremely secluded and rural location. He had read the Officer's report carefully and fully understood the objectives of the emerging Ashford Borough Local Plan to 2030, however he disagreed with the report on the following points: - site and surroundings – the holiday cottage was not well screened by hedging and shrubbery as stated and in his view was poorly screened with poorly maintained hedging; the building not being used as an independent dwelling – in actual fact investigations by the Planning Enforcement team had shown that there was a breach of planning control when it had been utilised as a separate dwelling house, so whilst this breach had now ceased, there had been a breach and this had not been mentioned in the report. During the breach the outbuilding had been

occupied by the Applicant, children and pets whilst the main house was rented as an Airbnb let for the majority of 2007. During this time his family had experienced a significant loss of privacy, disturbance and noise. On one occasion, at 2am, a group of German holidaymakers had knocked on the door looking for their Airbnb cottage and this had been very alarming to his fiancé as he had been away on business. The report also stated under “noise and disturbance” that Thrift Cottage was on the other side of Cherry Orchard Lane, however both Thrift Cottage and Thatched Cottage were at the end of a private unnamed track/driveway. The report also described this track as a ‘highway’ which he considered incorrect as it was a track serving just two properties for private access only. He concluded by stating that he did not want to spoil his neighbours’ ability to earn some money from a holiday home, but he did think that this would compromise their enjoyment of their own property and he would like to see the entrance shown on the plan completely screened and a different entrance brought in that was not directly opposite his own entrance, that would be a compromise that would probably be more acceptable.

One of the Ward Members attended and spoke in support of the application.

The other Ward Member, who was a Substitute Member of the Committee, stated that he had felt that a number of matters raised needed to be considered by the Committee and had called it to the Committee, but he had not made any judgment on the application at that time and had kept an open mind.

Resolved:

That subject to the receipt of amended plans satisfactory to the Head of Development Management and Strategic Sites or Joint Development Control Manager, relocating the access serving the outbuilding further south and showing landscaping of the existing access, that those Officers be authorised to: -

Permit

Subject to appropriate Conditions and Notes in their discretion.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk Tel: 01233 330349

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