

Wednesday the 15th February 2023 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) PA/2022/2774 - Oakleigh House, Watercress Lane, Ashford, Kent

Redevelopment of site to provide 54 apartments for Independent Living for Older People and 5 apartments for Adults with Learning Disabilities, with associated communal facilities, landscaping and parking.

None.

(b) 21/02120/AS - Garages between 11 and 12, Plantation Close, Hothfield, Kent

Residential development comprising of 4 dwellings, associated vehicular and pedestrian access, parking, hardstanding and landscaping and demolition of existing garages.

Clarification – 5 year housing supply and Stodmarsh

The Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered within the published assessment report) would normally mean that part (i) above applies, the Head of Planning and Development

will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.

On the second exemption, Officers do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.

In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within the published assessment.

(c) PA/2022/2393 - Land East of 79, Torrington Road, Ashford, TN23 7TG

Change of use of part of the derelict industrial former Coneybeare Site (Class B2) to be used for a community sheds project (Sui Generis). Locating of two shipping containers for use in association with the community sheds project.

A letter of support has been received from the Ward Councillor Jenny Webb.

“Dear Danny

The above goes to planning this Wednesday but I am unable to attend.

Can I have the following statement read out please.

This is an opportunity for the Torrington Road area and Shedwik to start a long awaited project by creating a working space for a worthwhile group, encouraging community cohesion.

helping with mental health, loneliness and encouraging both men and women to share skills.

This is an amazing project that has taken 8 years to arrive at this position.

I fully support and thank everyone involved and especially the shedders who's faith and commitment has been incredible.

I ask the committee to support this first phase of the project.

Cllr Jenny Webb
ABC Member for Norman Ward”

(d) 22/00567/AS - Land between 10 and 13, Heathside, Appledore, Kent

Erection of 1 (no) block of flats comprising 4 (no) apartments including associated vehicular and pedestrian access, parking and landscaping

None.

(e) 22/00892/AS - The Coach House, The Street, Brook, Ashford, TN25 5PG -

Proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let

See under (f)

- (f) 22/00893/AS - The Coach House, The Street, Brook, Ashford, TN25 5PG -**
Proposed conversion of the outbuilding (referred to as the Coach House) to a single holiday let

Description

The description relating to the listed building consent application (reference 22/00893/AS) should be amended to omit the words 'and change of use' and 'to a single holiday let', so that it would be read as follows:

"Proposed conversion of the outbuilding (referred to as the Coach House)."

Clarification regarding both 22/00892/AS and 22/00893/AS

Application reference 22/00892/AS is a full planning application which considers all the material planning considerations relating to the proposed conversion and change of use of the outbuilding (referred to as the Coach House) to a single holiday let. This includes the principle of the proposed holiday let use; visual amenity / heritage issues; consideration of any impact on residential amenity; highway safety and potential impact upon the local highway network; issues relating to ecology; and flood risk, Stodmarsh and nutrient neutrality.

Application reference 22/00893/AS is a listed building consent application which solely considers the impact of the proposed conversion works (including the proposed fenestration alterations and rear lean-to addition) on the historic fabric and significance of this grade II listed building.

It is important to note that the proposed works to the listed building (Coach House) in application reference 22/00893/AS are intrinsically linked to the proposed conversion and change of use of the Coach House proposed in application reference 22/00892/AS. Therefore, I believe that both applications should only be granted / approved subject to the issue of nutrient neutrality relating to the proposed holiday let being resolved.

Alterations to the recommendations / conditions for 22/00892/AS

Following legal advice it has been concluded that ensuring the link between the Coach House and the Honest Miller Public House that is referred to in paras. 18-21 of the report would be more robustly secured by way of a S106 legal agreement rather than by condition(s). Therefore, conditions 4 and 5 in the report for application reference 22/00892/AS should be removed and the proposed recommendation of application reference 22/00892/AS should be altered to the following:

"Permit

- A Subject to the following Conditions and Notes and a satisfactorily worded S106 legal agreement to the satisfaction of the Assistant Director Planning & Development in consultation with the Solicitor to the Council to secure the ongoing link between holiday let use of the Coach House building and the business operating at the Honest Miller Public House; and

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

(with delegated authority to the Strategic Development & Delivery Manager or the Planning Applications and Building Control Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)."

Condition 10 of the full application (reference 22/00892/AS) should be amended to omit the words 'each caravan or' from the condition and reference to caravans in the condition reason. Therefore, condition 10 of condition 22/00892/AS would read as follows:

"An up to date register shall be kept, in legible English, of the main or home address of each of the owners of the holiday let and of each of the occupiers and of any guests using the holiday let , and their dates of use, and shall make the register available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

Reason: To enable the Local Planning Authority to monitor the occupation of the holiday let to ensure that the establishment of a permanent residential use of the site, which would be contrary to Development Plan policies and detrimental to the character of the area, does not take place."

Alterations to the recommendations / conditions for 22/00893/AS

Condition 3 of the listed building consent application (reference 22/00893/AS) should be amended to omit the word 'external' from the first paragraph of the condition. Therefore, condition 3 of condition 22/00893/AS would read as follows:

"Condition 3 - Full details including source / manufacturer, and samples (where necessary) of materials to be used and detailed scaled drawings and sections where applicable in respect of all the matters listed below shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved materials.

- Material samples (including those of the proposed fenestrations, the lean-to extension and any repairs to the building).
- Details of rainwater goods which should be black cast iron or aluminium.
- Joinery details for all new windows, rooflight and external doors.

- Details of new first floor and internal stair construction within the Coach House building and its relationship with the existing structure.
- Details of new vents and flues.
- Details of any external lighting.

Reason: In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.”

(g) 21/00100/AS - Pinnock Yard, The Pinnock, Pluckley

Erection of 2 dwellings along with associated parking, bin store & bike store
Clarification – 5 year housing supply and Stodmarsh

The Council accepts that it is unable to demonstrate a five year supply of housing land in the Borough and so paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

In effect, paragraph 11(d) requires additional weight to be given to the issue of delivery of homes in the required balancing exercise. Although the identified impact on Stodmarsh (considered within the published assessment report) would normally mean that part (i) above applies, the Head of Planning and Development will, once a mitigation strategy is identified, be able to adopt an Appropriate Assessment that concludes that there will be no adverse effect on the integrity of the protected site and as such the first exemption to paragraph 11(d) would no longer apply.

On the second exemption, Officers do not consider that adverse impacts could be demonstrated that would reach the required bar so as to dictate a refusal of planning permission in the current circumstances where the Council cannot demonstrate a 5 year housing land supply. Accordingly, it is concluded that this exemption would not apply and the tilted balance would therefore be engaged.

In this particular case, it is considered that the application is consistent with the Development Plan and, in the context of the tilted balance, it is concluded that planning permission should be granted in accordance with the recommendations contained within the published assessment.

(h) PA/2022/2696 - 72, Meadowbrook Road, Kennington, TN24 9AZ

Proposed Vehicular crossover

None.