



Planning Committee

Wednesday the 18th July 2018 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. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 20th June 2018
4. Requests for Deferral/Withdrawal – 18/00125/AS – Oakwood Cottage, Etchden Road Bethersden – to allow the applicants to submit further information.
5. Schedule of Applications
 - (a) **18/00413/AS - Land at Lenacre Hall Farm, Sandyhurst Lane, Boughton Aluph, Kent - The development of 21 new residential dwellings, access, drainage, car and cycle parking and landscaping**

None.
 - (b) **18/00098/AS - Waterbrook Park, Waterbrook Avenue, Sevington, Kent -Hybrid planning application for mixed-use development comprising (1) Application for full planning permission for the construction and operation of a 600-space truck stop; a2,612sqm GIA service building providing 1,734sqm GIA of ancillary truck stop service facilities and 878sqm GIA of B1 offices; buildings providing 6,308sqm GIA of class B1, B2 andB8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to2323sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car showrooms (sui generis); and up to 400 residential dwellings, with class A1 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure**

Comments from Cllr Paul Bartlett as Ward Member for Weald East

'I am sorry that I cannot be at Planning Committee to give you my views as ward member on 18/00098/AS, Waterbrook hybrid application.

First of all I would like to commend the work undertaken on this complex application in a short time to bring this application to Committee. A lot has been achieved including retaining 40m2 of trees for screening, securing education, CCG and other s106 contributions where none were offered at first by the applicant.

The desire from the applicant to move the food store from Finberry to Waterbrook was unacceptable given a promise of retail facilities was (and continues to be made) to purchasers of houses at Finberry. However, a sensible compromise has been agreed albeit resulting in a much smaller store at Finberry.

Other positive compromises secured include the applicant re-opening AE350 and its diversion being kept to a minimum as this is an important route from Cheeseman's Green Lane to Orbital. This acts a cycle route because it is a restricted bridleway.

Planting to be made alongside the 7m high, "Mersham Wall" to protect the amity of residents. I am pleased that officers have worked with the applicant to manage the height. Colleagues who know the area will have noticed the acoustic barrier built around the High Output Operating Base adjoining the site which is visible from the A2070 as you approach the Finberry Traffic Lights. A similar wall would look dreadful if subject to graffiti.

I have a number of observations, all of which can be dealt with by conditions, but a substantive objection to the application remains.

Observations:

1. Further work must be carried at the reserved matters stage to deal with how those properties nearest to the lorry park deal with dust, noise and ventilation. The suggestion is that bedrooms must all face away from the lorry park and that alternative ventilation provided instead of opening windows. These suggestions are all very well but the lack of residents overlooking the road could encourage disruptive behaviour in the street and not being able to open widows at night in temperatures such as we have seen recently must be addressed.
2. The 65m buffer zone between commercial and residential should be increased at least 100m. This is because evidence from Park Farm is that the minimum sustainable buffer zone is 100m.
3. The district playing field cannot be on the floodplain or the development will suffer the same delays and disruption that those at Bridgefield have endured ahead of Bridgefield Park opening.
4. Stagecoach should be encouraged to request a contribution so that Waterbrook can link up with Finberry as part of "Smartlink".

Objection:

Following the completion of the M20 J10A works, considerable additional traffic will use the Romney Marsh Roundabout, including from Waterbrook as many of the new houses will be going into town. The roundabout will be at capacity and the cost of improvements to allow the required free flow of traffic is £6.1m. The applicant's fair share of this would be £2.1m but they have offered only £300k.

Recognising the strategic importance of the lorry park I suggest that the required improvements are financed by reducing the affordable housing contribution. The applicant is proposing 10% of the housing as affordable which would be 40 units and, assuming a discount of 20% on the average market price of £280k, affordable housing would cost the applicant £2.240m (40 units x 20% x £280k). I would not support reduction of s106 for education to finance the Romney Marsh Roundabout as this is, inter alia, being used to support the expansion of the

Norton Knatchbull, vital to deliver on KCC's commitment to allow 25% of pupils to join the selective education stream.

I would not normally seek to reduce affordable housing as it is vital to secure wider home ownership in Ashford but existing residents must not be asked to suffer additional congestion at the Romney Marsh Roundabout. Specifically, all Finberry drivers have to use the Romney Marsh Roundabout where ever they are going so it is vital we keep this roundabout free flowing.'

Romney Marsh Road Roundabout: update on s.106 contributions

1) Members will note the issues regarding the Romney Marsh Road roundabout raised at paragraphs 228 onwards. Since the preparation of the report there have been further discussions with KCC H&T with regard to the appropriate level of contributions. This is also an issue that has been raised by the Ward Member in his written comments.

2) As a result of discussions thus far, KCC H&T have agreed to lower their requests for contributions to £1m. They would wish this to be paid around 31st March 2022 which is their current assessment of when the junction will need to be rebuilt.

3) This has been put to the applicant, who is agreeable to increase the Romney Marsh Roundabout contribution from £300,000 to £1,000,000 subject to:

- The payment being required upon occupation of 75% of the dwellings, or after 01.03.2022, whichever is the later; and

- Removal of the £450,000 Primary School Land contribution; and EITHER

- o Reduction of the Outdoor Sports Pitches contribution to £875 per unit (£350,000 based on 400 units); or
 - o Reduction in the affordable housing level from 10% to 9%

The applicant also requests that amendments are made to the trigger points and clarity regarding the pro-rata rates for the following contributions, to bring them into line with the Heads of Terms document circulated by Alex Hicken on 26.06.2018:

- Primary School Contribution to be stated as £2,500 per dwelling pro-rata (£1,000,000 based on 400 units)
- Secondary School Contribution to be stated as £2,000 per dwelling pro-rata (£800,000 based on 400 units)
- Healthcare Contribution to be stated as £850 per dwelling pro-rata (£340,000 based on 400 units)
- Outdoor Sports Pitches Contribution to be stated on a pro-rata basis, i.e. either £875 or £1,250 per unit – depending on option above - (£350,000 or £500,000 respectively, based on 400 units)
- Primary School, Secondary School, Healthcare and Outdoor Sports Pitches Contribution triggers to be based on per dwelling occupation as follows: Each 25% of the sum to be payable on occupation of each 25% of the approved dwellings.

4) In terms of the amendments to the trigger points for payments, if the full 400 dwellings are built out then this will make no difference to the pay regardless sums

but clearly if the numbers are less than that the applicant benefits accordingly. In my view the sums involved are likely to be small, indexation is to be applied in any event, and the two viability reviews should resolve the situation in the future, so I am happy to recommend this approach to Members.

5) With regard to the roundabout contribution, this is less straightforward. The applicant has already agreed to pay the £300, 000. Adding the Primary School land contribution to this makes it up to £750, 000 and the reduction in the Sports Contribution adds £150, 000 – a total of £900, 000 already agreed. In effect therefore the applicant is offering a further £100, 000.

6) In my view the alternative approach of less affordable housing is not appropriate – the low level already agreed mean that the development will not be as balanced as other developments members have permitted elsewhere which is not in line with adopted policy. The need for affordable housing is ever increasing.

7) The requirement to pay contributions for Primary School land is new policy in the Local Plan. Previously on all other development sites the LPA has managed to secure the transfer of such sites free of charge to the Education Authority (Finberry, Park Farm, Goat Lees, Chilmington x4 etc). I am optimistic that, that will be achieved at Kennington and therefore this deduction will not result in the loss of the school site, but if there is an issue this payment can be requested from another development. KCC are aware of the viability issues for this site.

8) With regard to the diminution of the Sport contribution, members will need to decide the balance to be struck between off-site highway improvements and sports requirements. Should they decide to accept the applicants proposition then my recommendation is that any deferred contributions recovered through viability re-appraisal go firstly to this project.

Additional representations

Letter from the occupiers of Hogben Farm confirming that on the basis of the proposed mitigation measures being planning conditions and that the noise data and predictions prove accurate, the occupiers are happy to remove their objection. A request is made that the woodland belt on Cheeseman's Green Lane being retained and managed is made a planning (it is suggested as having been neglected over the years).

[HoDM&SS comment: An additional condition is proposed to deal with the matter raised]

One further objection received raising the following points;-

1. Link road serves as emergency access so no more than 50 dwellings should be able to be occupied until it is in place
2. Impact on RMR is not mitigated and viability reasons are no reasons to allow sever harm to the road network
3. It is not clear to the objector what the viability issues are in the application or in the Council's Plan.

4. The headline number of houses is doubted as being able to be achieved – reference is made to the EA's conditions.
5. Insufficient information is provided in respect of impact on flooding.

[HoDM&SS comment: KH&T do not request a secondary access: in any event, the proposal as set out in the report is for the link road to Finberry be constructed at an early stage. The report, and this Update set out the proposition in relation to RMR. The applicant's viability report contains commercially sensitive information. Any issues in respect of the viability of the Council's Local Plan are for the Local Plan Examination. The EA, IDB, KCC Flooding and ABC Project Office raise no objection to the proposal and have assessed flooding issues].

Proposed changes to conditions

Condition 1 (full permission time condition) - change to commencement within 1 year

Condition 13 (truck-stop management plan) – (A) expand to include numbers, locations, style and height of lamp columns to be submitted for approval including details of measures to ensure that light trespass to any windows of sensitive properties beyond the site is restricted to a maximum of no greater than 5 lux (vertical luminance) & (B) require that when parked refrigerated vehicles shall only operate using charging points.

Condition 16 (outline permission) – alter to require application for approval of reserved matters no later than 5 years from the date of the hybrid permission with the approved details begun no later than 2 years of the last reserved matters approval

Condition 20 – expand condition to ensure new homes would be protected from noise from the truck-stop and commercial units

Proposed additional conditions

Electric vehicle charging for new homes

Electric vehicle charging for employment floorspace with 5% initial provision and, at a trigger to be agreed, 10% overall provision

Updated ecological surveys, lighting / ecological mitigation and enhancements and design strategies to achieve

Landscaping implementation condition

Details of proposed governance of public community space and facilities to be submitted for approval

Provision of a public notice board in a location to be agreed

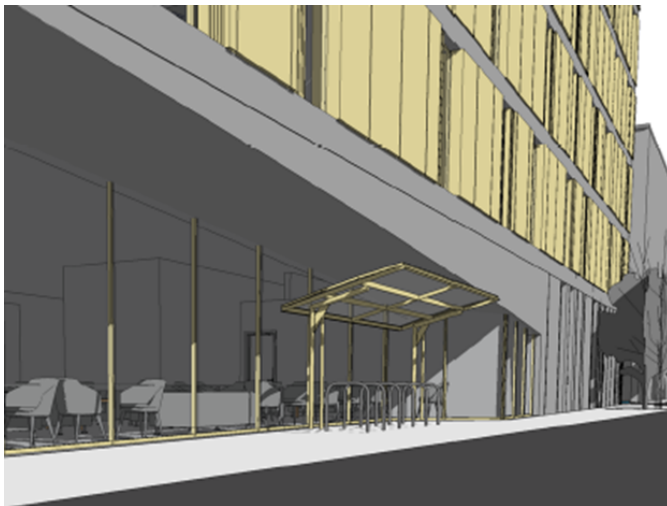
Cheeseman's Green Lane Landscape Management Plan (CGLLMP)

Proposed additional informative

A high pressure gas main passes through the site and the applicant should contact Southern Gas Networks for detailed advice as to working practices, exclusion zones for foundations of buildings and acceptability of any car parking and access road provision over the gas main.

- (c) **18/00724/AS – Land south of junction of Beaver Road and Victoria Road, Ashford, Kent - Proposed minor material amendments to planning permission 16/01164/AS for a 120-bedroom hotel involving minor changes to layout, the provision of an additional storey and related elevation changes with associated parking, landscaping and access works**

KH&T's first objection: covered cycle parking (& proposed change to condition 12)
The applicant has provided details of a cover over the cycle parking stands: a CGI extract is shown below.



KH&T has confirmed the proposal overcomes the objection. I consider the details are acceptable and propose that condition 12 be amended as follows to build in the covered facility;-

12. The hotel use shall not be commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked and shall be provided with a cover in accordance with the details shown on Bike Store Canopy Proposal Drawing Number (000) 018.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to provide protection from wet weather and so encourage usage.

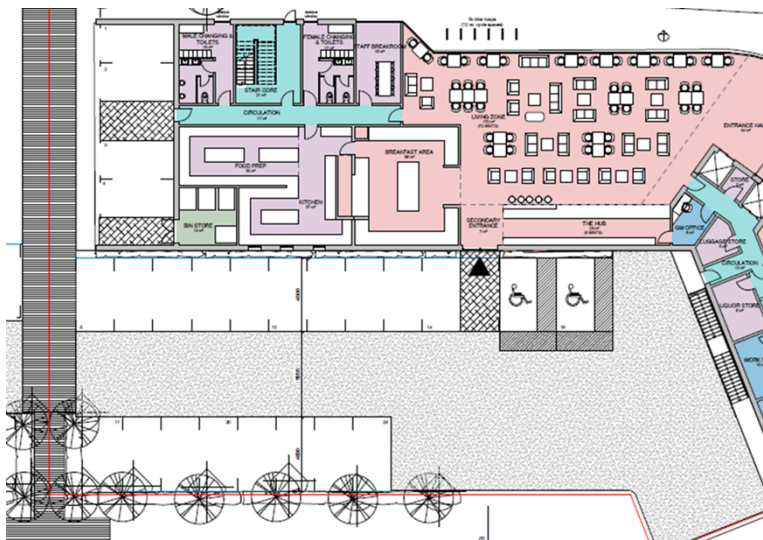
Progress on overcoming KH&T's 2nd objection: on-site parking

The applicant has confirmed that by making minor adjustments to the layout plans KH&T's objection will be able to be overcome. Revised plans will be submitted very shortly. There is no need to change Recommendation (A).

On-site vehicle charging points & proposed additional condition

This did not form part of the proposal when the Committee considered application 16/01164/AS. Cllr Peter Feacey has, however, raised the issue of providing vehicle charging facilities with me in his role as Chairman of the Council's Air Quality Task Group. As Members' know, Policy ENV12 (Air Quality) of the emerging Ashford Local Plan 2030 requires major development to promote a shift towards the use of low emission transport to help minimise the impact of vehicle emissions on air quality.

I have discussed this issue with the applicant who is happy to provide charging points for the group of 24 parking spaces closest to the entrance into the hotel. This grouping sits on the eastern side of the pedestrian route through from Victoria Road that bisects the car park (as per the image below).



Provision of charging points to 24 spaces would represent 49% provision. I have also discussed the need to future proof the car park design with sub-surface ducting so as to ensure that additional provision can easily be provided in the future without major disruption. Cllr Feacey supports this approach.

As a result I propose additional condition 28 as follows:-

28. Prior to the hotel being first opened, (A) the group of 24 parking spaces (involving open and covered spaces) shown on Ground Floor Plan Drawing No 8113 – (000) 009 Rev D shall be installed with an electric charging points for each space within the group and (B) the applicant shall have confirmed in writing to the Local Planning Authority that ducting has been provided within the design of the other car parking areas serving the hotel (approved pursuant to planning permission 16/01164/AS) that enables future additional provision of charging points for customers.

Reason: The application involves major development and it is important to minimise the impact of vehicle emissions arising from its use on air quality by helping to promote a shift to the use of low emission transport: good provision of on-site charging facilities will help in this regard as will future proofing the design of the car park to accommodate additional provision.

- (d) **18/00584/AS - Site of former Klondyke Works, Newtown Road, Ashford, Kent - The erection of 93 dwellings with associated highways, parking and landscaping**

Typo: Line 4 of PAH8 on Page 10

Insert 'would not cause' before 'significant'.

- (e) **18/00483/AS - Land north of Five Bars, Tally Ho Road, Shadoxhurst, Kent - Outline planning permission for up to 60 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, change of use of agricultural land to informal public open space, surface water flood mitigation and attenuation, vehicular access point from Tally Ho Road and associated ancillary works. All matters to be reserved with the exception of the main site access**

In response to the Highway Authority comment to discuss the possible improvements to local bus services from Section 106 funding along Tally Ho Road, the bus operator (Stagecoach) stated "Thank you for consulting Stagecoach. Where there are opportunities of contributions to fund additional journeys, we need to make sure when the funding expires the improved level of service is sustainable. The frequencies introduced last month matches the actual usage. We feel the 60 new dwellings will not make a significant impact in order to schedule additional journeys. We would welcome proposals to improving access at existing bus stops." As recommended by Stagecoach on the 4th of May.

- (f) **18/00362/AS - Venruth, Redbrook Street, Woodchurch, Ashford, TN26 3QU - Variation of condition 04 of planning permission 15/00223/AS to allow for a larger caravan on site**

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2 additional representations to object were received.

The objections are summarised below:

- harm to the character of the area due to the size and colour of a static caravan [HDM&SS: condition 4 would manage the maximum size of the caravan and by the nature of design colours of caravans are pre-set and it would be unreasonable to restrict the colour]
- sets a precedent
- subject of enforcement notice to remove hardstanding and not have caravans on the land [HDM&SS: para. 11-14 details the requirements and compliance with the notice, officers are satisfied that there is not a breach of the notice]
- public interest undermined by the stationing of a caravan on the site [HDM&SS: the stationing of caravan is managed by the enforcement notice, condition 4 of 15/00223/AS and the amended condition 4. The retained hardstanding for the siting of previous caravan to be utilised was not in itself expedient to enforce against as a requirement of the notice, furthermore it is

on a previously developed land within the residential curtilage and would not affect the ancient woodland. So there are controls by condition and by virtue of the proposed sitting the public interest would be served]

- (g) **18/00125/AS - Oakwood Cottage, Etchden Road, Bethersden, Ashford, Kent, TN23 3BZ - Erection of cabin/lodge and change of Use of both Cabin/Lodge and land to a Wedding Facility, Siting of a Wedding Marquee and Service Tent, hardstanding, decking and canopy and Change of Use of Land for Parking Guest Cars for 15 Weddings held between April and October Each Year (retrospective)**

Deferred to allow the applicant to submit further information.

- (h) **17/01511/AS - Godinton House, Godinton Road, Ashford, Kent - The change of use from snooker hall and 2nd floors - Use D2) and part change of use of retail (ground floor use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to to comprise, in total, twenty eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed) along with ancillary works to include basement and surface car parking and landscaping.Part retention of retail use (A1) on ground floor**

Consultations

3 further objections received from neighbours/occupiers at Hythe Crescent immediate to the (rear) south west of the site in summary on the following grounds;-

Loss of privacy/overlooking

- Loss of privacy there will be from the balconies on the south and west sides of the building overlooking the properties and gardens in Crescent West.
- The proposal in it's current format will grossly and unduly intrude on the privacy of the adjoining properties on Hythe Crescent.
- There is insufficient separation between the two sites to prevent direct ingress into habitable rooms, intimate spaces or to look straight through the house into hallways, stairwells and such areas towards the front of the property. My home will be completely laid bare. There would no longer be any private areas to the garden.
- Government guidance for the minimum distance between new residential development for a two storey dwelling is a 20 metre separation. For three storeys it is 28 metres. This proposal will result in a 5 storey building being erected 17 metres from the fabric of my home.
- I would like to see amendments to the current plans before being accepted such as the design to the south and west side of the building to provide privacy to the residents of Crescent

Site Policy Objection

- Policy TC8 in the Ashford Town Centre AAP 2010(adopted) that mandates provisions are made for compatible scheme to be granted on this site whether the site is developed wholly or partially – then this proposal fails to meet the requirements.

Noise disturbance/noise survey inadequate

- The noise impact assessment was conducted to assess only the external sources that could impact the occupants of the new development. The noise survey is an oversight as no assessment of neighbouring dwellings from the proposals has been undertaken. In particular noise disturbance generated by the high density block in very close proximity to my property, it's habitable rooms increased on-site traffic movement though all hours of the day and the operation of any mechanical devices securing the subterranean facilities..
- The balconies, and additional cars will cause additional noise and disturbance from an already busy town centre, which will already see an increase in noise and congestion when the new cinema complex is complete

Unacceptable scale and impact on neighbouring dwellings

- Any further development of the building that would result in the increased physical presence by permitting an increase in elevation and an expansion of footprint would overwhelm the homes on Hythe Crescent.
- The scale of the proposed development is aggressive, totally at odds and insensitive to the low-rise community that has established itself on Hythe Crescent such a tightly confined space and disproportionate in scale, homes on Hythe Crescent would be swallowed up and enclosed by two close towering blocks of apartments on either flank forming a continuous and unbroken cliff-like wall or cage. Modest sized gardens would suddenly become courtyards.
- The results of the daylight assessment have been unfairly ignored, undermined and/or dismissed by all parties involved. I have serious reservations about the impartiality of this commissioned study. I am formally requesting the opportunity to commission my own independent daylight impact assessment on my own property as a prerequisite to this application.
- No development of Godinton House should be permitted that falls outside the boundaries of it's current footprint; this includes elevation.
- Restricting development within the confines of the established build would demonstrate sensitivity to the adjacent site on Crescent West and the homes alongside on Hythe Crescent.
- To respect the context and sensitivity between Godinton Way Industrial Estate and Godinton House all apartments should be positioned to the front of the building facing towards the street. There should be no rearward facing habitable rooms imposing on the dwelling on Hythe Crescent.

- Prescribing the same layout incorporated by the adjacent Dymchurch Court complex is a proven sustainable model with positive results.

Proposed tree planting

- The planting of trees on the rear boundary adjoining the Hythe Crescent dwelling will not pacify overlooking/overbearing issues and itself may lead to loss of light and maintenance issues for neighbours if foliage encroaches neighbouring dwellings.

Parking.

- The parking allocation has been chosen on a minimal level. A total of 41 spaces regardless of what legislation you use is not enough. Croudace estate is already causing residents problems and planning want to use a similar scheme.

A number of photographs from the rear of the site from Hythe Crescent have been provided some shown below







ABC Environmental Protection have commented

“The conclusion of the transport assessment was that the development would result in a reduction in trips at the site by all modes of transport compared to the existing permitted development.

Therefore I cannot see that an argument could be made that permission for residential in this location would result in a noise detriment to existing residents, when compared with the continuing commercial use of the site.

Accordingly, I would not have expected a noise assessment to look at this issue ..”

[HoDM&SS comment: There are external balconies on the west (north-west) side elevation facing the Enterprise Car Centre but occupiers can also view the rear elevation of dwellings at Hythe Crescent. The distance to the nearest rear elevation of Hythe Crescent is 24m and 14m from the rear garden area boundary.

In terms of the noise survey, ABC environmental protection have commented that they do not consider the proposals would result in a noise detriment to existing residents in view of the extant commercial use.

The new trees/landscaping shown around the site’s hardstanding curtilage (and on the boundary of the Hythe Crescent’s rear gardens) will not provide comprehensive screening of the development which not be possible. The landscaping is there on grounds of visual amenity and the final details will be subject to a planning condition and will look at appropriate species that would not adversely impact on neighbouring residents.]

- (i) **18/00673/AS - Woodacre, Ingleden Park Road, Tenterden, Kent TN30 6NS - Demolition of existing garage and construction of a new 3 bed dwelling**

None.

- (j) **18/00765/AS - Bockhanger Community Centre, Bybrook Road, Kennington, Ashford, Kent, TN24 9JE - Application for prior notification of proposed demolition of existing community building**

Representation from Cllr Bartlett as KCC Member for Ashford Central

‘I make this comment as the KCC member for the area. In order to secure a commitment to a replacement community centre in Bockhanger, and bearing in mind that apart from Goat Lees there are no sizeable community halls north of the M20 in Ashford, please can I ask for a condition that the applicant will deliver within 12 months of the date of the committee plans for a replacement community centre.’

[HoDM&SS comment: The application is a ‘prior notification’ pursuant to the General Permitted Development Order (GPDO) and is reported to Committee because it is made by the Council.

As a GPDO notification, the only issue for consideration is whether or not the proposed demolition is “permitted development” and, if so, whether or not the LPA’s prior approval is required as to the method of demolition and any proposed restoration of the site, in accordance with the criteria set out in the GPDO.

Conditions can only be applied to an approval provided they are relevant to the matter being considered, so in this instance, conditions could only be applied dealing with the method of demolition and site restoration.

It is not possible to attach a planning style condition in relation to demolition on the basis of replacement community facilities being brought forward as proposed by Cllr Bartlett as development plan policies and the provisions of the NPPF in respect of communities and provision necessary to meet community needs do not apply.]

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