

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **19th July 2017**.

Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Barrett, Bennett, Mrs Blanford, Bradford, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Farrell, Galpin, Heyes, Krause, Murphy, Ovenden.

In accordance with Procedure Rule 1.2 (iii), Cllr. Barrett attended as Substitute Member for Cllr Waters.

Apologies:

Cllrs. Hicks, Waters.

Also Present:

Cllr. Knowles.

Joint Development Control Manager; Head of Development, Strategic Sites and Design; Chilmington and Design Team Leader; Director of Place and Space; Senior Solicitor - Strategic Development; Head of Planning Policy; Senior Development Control Engineer (Kent Highway Services); Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

Application Number	16/01090/AS
Location	Land West of Shrubcote and South West of, Appledore Road, Tenterden Kent
Grid Reference	89099 /33526
Parish Council	Tenterden
Ward	Tenterden South
Application Description	Erection of four detached dwellings, with associated landscaping, provision of new accesses onto Shrubcote Road and Appledore Road with private parking, and provision of a sustainable drainage system, and other ancillary works.
Applicant	Mr R Jarvis

Agent West Waddy ADP, The Malthouse, 60 East St Helen Street, Abingdon, OX14 5EB

Site Area 1.31 hectares

1st Consultation

(a) 24/42R & petition with 199 signatories R (b) Town Council R (c) KH&T X, KCCD X, EA -, EHM X, PO X, KCC (Bio) X, SW X, KWT R, KRAG R, WKPS R

2nd Consultation

(a) 42/25R & a petition with 259 signatories R (b) Town Council R (c) KH&T X, KCCD X, EA -, EHM -, PO X, KCC (Bio) X, SW X, HE +, KWT -, KRAG -, WKPS X

The Joint Development Control Manager drew Members' attention to the Update Report. One additional letter of objection had been received.

In accordance with Procedure Rule 9.3, Mr Beaven, a local resident, spoke in objection to the application. The most important objection, which appeared to have been discounted, was that the development should not go ahead because it was within the Tenterden Town Conservation Area. It would lead to the loss of 180 trees, with associated hedgerows and wildlife destroyed. The area also flooded. The application breached two planning policies and the European Convention on Human Rights. Conservation areas were defined as areas of special architectural or historical interest, although they did not necessarily contain listed buildings. It was often the sense of place created by different components, which combined to provide special character. Open spaces, trees and views would be destroyed by this application, with an adverse impact on local wildlife, which would suffer and decline as a result. The drainage challenges of the area were far more complex than could be solved by drawing a culvert around the development. The area flooded at least twice yearly. Tenterden's housing needs were being met elsewhere. The proposals defied planning policies EN12 and TSR1 relating to the retention of private open spaces. The Council had a responsibility under the Human Rights Act, which stated that a person had the right to peaceful enjoyment of their possessions, including their home and land. The protection of the countryside fell under the provisions of Article 8 of the Act. Over 250 people signed a petition objecting to this application. Mr

Beaven summed up his objections and asked the Committee to consider rejecting this application on any of these points.

In accordance with Procedure Rule 9.3, Mr Jarvis, the applicant, spoke in support of the application. He said Jarvis Homes was a Tenterden-based family building practice which had been building in the town for over 350 years. Planning Officers had prepared a comprehensive report which set out the consultation responses and assessed the policies against which the application should be considered. The applicant had worked hard with the Planning Officers and Tree Officer, and he thanked them for their valuable input. The result was the creation of an exemplary scheme. The applicant understood that the area was sensitive. He had listened to the local comments, and had tried to mitigate concerns as far as possible. The scheme had reduced from six to four units, and the houses had been set back and spaced out. A very comprehensive tree survey was carried out and the scheme was specifically designed to retain all the better-quality trees. All of the smaller specimen trees had been retained, except for six, which would be replaced by 8 new specimen trees in positions where they would better thrive. The current layout of trees was not sustainable as they were competing with each other and significant clearance was required as part of normal forestry management. These measures would help return the site to its original parkland setting. It was not open countryside. The houses would be built with premium-quality materials. A comprehensive list of materials was to be agreed as a planning condition. There were no outstanding ecological issues, nor any objection from either Kent Ecology or the Kent Reptile and Amphibian Group. There were no technical objections from Kent Highways, Southern Water, KCC Flood Risk or Environment Agency. There were also no objections from Kent Heritage, WKPS or CPRE. This scheme made a small, but important, contribution to the 5-year housing land supply. The applicant employed Tenterden and Ashford residents and contractors and this scheme would deliver local economic benefits to the Borough. It was also NPPF compliant. Mr Jarvis asked the Committee to grant permission.

In accordance with Procedure Rule 9.3, Mr Nelson, on behalf of Tenterden Town Council, spoke in objection to the application. The Town Council had four main objections or principles which could not be mitigated by conditions or re-designs:

1. The development would cut into the conservation area.
2. It would result in the loss of private open space, contrary to policies EN12 and TRS1, in a prominent location.
3. It would have adverse effects on the local ecology and biodiversity.
4. It would create a bridgehead for further adverse development in the Conservation Area.

An extra access was shown on the plans, and any such further development would impact even more adversely on the points mentioned above.

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

Resolved

Refuse

On the following grounds:-

1. The proposed development would be contrary to policies GP10, EN12, EN16 & EN32 of the Ashford Borough Local Plan 2000, CS1 of the Local Development Framework Core Strategy 2008, TRS2 of the Tenterden & Rural Sites DPD 2010, SP1 & ENV14 of the emerging Ashford Local Plan to 2030 and to Central Government Guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
 - (i) The proposal to erect 4 detached dwellings on this site would urbanise and erode an important undeveloped area of private open space which frames the entrance into the conservation area. This combined with the associated tree loss and the punctuation of the well-established hedgerow to provide vehicular access from Appledore Road and Shrubcote would result in a visually intrusive form of development which would appear incongruous in its context, in a manner that would cause demonstrable and substantial harm to the character and appearance of the Tenterden Conservation Area and the visual amenity of the area generally. The benefits associated with the development in terms of contributing towards the supply of housing would not outweigh this harm.

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/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address highway 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.