



## Planning Committee

Wednesday the 15<sup>th</sup> October 2014 at 6.00pm

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### 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 17<sup>th</sup> September 2014.
4. Requests for Deferral/Withdrawal  
None.

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### Part I – Monitoring/Information Items

None for this Meeting

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### Part II – For Decision

5. Schedule of Reports

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**12/00400/AS - Land at Chilmington Green, Ashford Road, Great Chart, Kent - Hybrid Outline application for a Comprehensive Mixed Use Development comprising:**

- Up to 5,750 residential units, in a mix of sizes, types and tenures;
- Up to 10,000 sq m (gross external floorspace) of Class B1 use;
- Up to 9,000 sq m (gross external floorspace) of Class A1 to A5 uses;
- Education (including a secondary school of up to 8 ha and up to four primary schools of up to 2.1 ha each);
- Community Uses (Class D1) up to 7,000 sq m (gross external floorspace);
- Leisure Uses (Class D2) up to 6,000 sq m (gross external floorspace);
- Provision of local recycling facilities;
- Provision of areas of formal and informal open space;
- Installation of appropriate utilities infrastructure as required to serve the development, including flood attenuation works, SUDS, water supply and



wastewater infrastructure, gas supply, electricity supply (including substations), telecommunications infrastructure and renewable energy infrastructure (including CHP in the District Centre);

- Transport infrastructure, including provision of three accesses on to the A28, an access on to Coulter Road/Cuckoo Lane, other connections on to the local road network, and a network of internal roads, footpaths and cycle routes;
- New planting and landscaping, both within the Proposed Development and on its boundaries, and ecological enhancement works; and
- Associated ground works
- Where appearance, landscaping, layout and scale are reserved for future approval and where access is reserved for future approval with the exception of the three accesses on to the A28 and the access on to Coulter Road/Cuckoo Lane.

### Updates

#### Update to report para. 206, s106 Head 29, and Conditions 29 – 32 re. the A28 improvements

KCC's Cabinet Member has now given the necessary authority to deliver the A28 improvements, subject to a legal commitment from the developer to KCC securing payment of the relevant sums to KCC and an appropriate bond. Any S278 agreement is likely to be completed between the issue of OPP and commencement of development, and if this is done and KCC commits to delivering the A28 improvements, the Grampian-style conditions numbered 29 - 32 in Appendix 8 will fall away. To achieve this, those conditions will be reworded so that they apply unless a suitable S278 agreement is completed between the developers and KCC to this Council's satisfaction.

#### Amendments to the report:

Page 1.40 – Access B Plan amended to 131065/A/04 Rev. A

Page 1.94 – the KWT letter referred to is at Appendix 2 (not 32).

Page 1.149 – (f) Is the amount of open space proposed acceptable within the terms of the AAP, is not a stand-alone section in the Assessment section. It is incorporated within paragraph (g) Do the proposals adequately cater for the recreational needs arising from the development. This is found on page 1.171.

Page 1.153 – Paragraph 199 to read:

“Kent County Council Highways and Transportation has raised no objection in principle subject to certain outstanding issues being resolved (including confirmation that bus services will be procured by the developer to the standard and frequency required by KCC, and associated infrastructure will be provided),



and conditions being imposed and matters included within legal agreements. The Highways Agency raises no objection to the proposal”.

Page 1.155 – The first bullet point on the page should be a new numbered paragraph.

Page 1.194 para 338 d) should read as follows:-

*“an endowment to the CMO of a minimum of 20,000 sq ft fully serviced built commercial/retail ready to let floor space and 1) a further 30,000 sq ft of built commercial/retail ready to let floor space, or 2) residential dwellings and/or cash endowment, or 3) a mixture of further commercial/retail ready to let floor space and residential dwellings and cash endowment sufficient to generate adequate revenue for the CMO to make it sustainable when combined with other income streams (as dictated by the first full business plan that is a requirement of the S106 head of term number 5 relating to the CMO at P5 tab 9). The endowment is subject to a requirement that a full endowment plan is submitted to the LPA for its approval in consultation with the CMO in accordance with the section entitled “mechanism for delivery of endowment to the CMO” at P48 of tab 9”.*

Page 1.196 1<sup>st</sup> line para 349 should read as follows:-

*“It is now a requirement of the heads of terms (please refer to S106 head of term number 5 relating to the CMO at P5 tab 9) that the CMO is endowed with a minimum of 20,000 sq ft and up to 50,000 sq ft of built and lettable commercial and retail estate over potentially a number of tranches, but with some flexibility in the make-up of the endowment over and above the minimum provision of 20,000 sq ft of commercial floorspace.”*

Page 1.197 3<sup>rd</sup> line of para 352 should read

*“This may propose that the additional endowment over and above the minimum 20,000 sq ft of commercial retail floorspace provision be in the form of residential dwellings, additional commercial/retail floorspace, cash endowment or a mixture of all three forms of endowment.”*

Last line of para 352 should read as follows:-

*“The developers would be required to deliver what is finally approved by the LPA in consultation with the CMO in accordance with timescales approved by the LPA that reflect assumptions made by the CMO’s existing draft business plan in terms of when the CMO will need to benefit from the income derived from the endowment”*

Recommendation (E) should refer to ‘public consultation’ only in relation to Development Briefs and Design Codes, as there is no requirement to publicly consult upon Strategies, Business Plans and other documentation referred to in paragraph (E).

The reason for Recommendation (F) is that currently the parameter plans vary from the AAP plan in minor ways.



## Further Consultation Responses

### Sport England

The lack of objection to the outdoor sports facility provision is strictly subject to the proposed financial contribution and phasing details included within the draft Heads of Terms being secured by way of a S106 Agreement.

Sport England has no objection to the provision of indoor sports facilities, strictly subject to the proposed financial contribution and phasing details included within the draft Heads of Terms being secured by way of a S106 Agreement.

The nature of this provision should be informed by an up to date sports facility strategy, local knowledge of sport facility needs and through consultation with the relevant National Governing Bodies of Sport.

Sport England therefore removes its objection to the application, subject to the above and subject to the following conditions:

1. No development shall commence until details of the design and layout of the outdoor and indoor sports facilities have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The outdoor and indoor sports facilities shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable.

Informative: The applicant is advised that the design and layout of the outdoor and indoor sports facilities should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport.

2. (a) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- (b) The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.



Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

Informative: The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport' (Sport England, 2011).

3. Before the Discovery Park Sports Hub is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the Discovery Park Sports Hub.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable.

Additional representation received from S and K Knight (67 Tally Ho Road) saying they cannot attend the meeting but wish to strongly object on the grounds that the development is too big, not necessary and is not needed. It is too large a scale in this beautiful rural area.

Additional online comment received from Mr and Mrs A Batt (Keg Barn, Hornash Lane, Shadoxhurst) saying that they most strongly object to the planning application and that members of the Planning Committee must listen to public opinion and refuse the application. If it is allowed to go ahead, it will blight the lives of everyone in the Borough of Ashford for the next 30 years.

Additional representation received from Mr and Mrs Frohnsdorff (Stanfield), Old Chilmington, Chilmington Green objecting in the strongest terms for the following reasons:

- The development is nothing less than vandalism
- Even Eric Pickles has said that "protecting our greenbelt must be paramount"
- Inadequate infrastructure in Ashford Borough Council
- Council should not ignore the strength of feeling in the local community who are against the development, including the 8,000 signature petition and 80% against it in a local referendum
- Broad Oak reservoir in Canterbury needs to be built before adequate water supplies can be guaranteed
- Other services are already stretched
- The Chilmington residents have been patronised, marginalised and ignored at every stage of the planning process. Workshops are biased towards the development.
- Building your way out of recession doesn't work.
- Where will the enormous influx of people work?
- How confident can we be that the required roads will be built?



- This would ruin one of the few remaining medieval farming settlements in the area and Ashford Borough Council has a duty of care to this community and not to abuse it.

Additional representation from Mrs P Morgan, 16 The Close, Chequers Park, Wye objecting on the grounds contained in their original letter dated August 2012, and the destruction of the countryside and farming land; the impact on the surrounding roads which are already congested; and the additional pressure on the William Harvey Hospital. Instead of bringing more commuters into the area the Council should concentrate on making life easier for the people who already live here.

#### Revisions to Heads of Terms

5.	<b>Provision of the CMO</b> Item 6.1(d), line 4 should refer to a total of £3.35 million (as should para. 345 of report) instead of £2.3 million.	
27.	<b>Advance Planting Belts</b> As generally shown on the attached plans. TBA.	
28.	<b>Provision of main access points and link road</b> Additional Head 4. 4. The applicant to fund all the costs of a speed limit reduction to 40 mph for the A28 Chart Road from a point to be agreed approaching Access A from the north-east and Access C from the south-west. Timing TBA but aim to see speed limit reduction is implemented before the occupation of the first dwelling or commercial unit on site.	
29.	<b>Provision of other works to the A28</b>	Second column, is erroneous and should refer to the S278 Agreement being completed before commencement of development.
30.	<b>Off -site pedestrian and cycle links</b> <del>1. Unless carried out by KCC to enter into a s278 agreement and construct a footway between Wainscot and Kingsthorpe Farm on the southern side of Magpie Hall Road and xxx on the northern side of Magpie Hall Road prior to the occupation of [4000] dwellings. (condition 33 provides for these works prior to phase 4)</del>  2. To provide a bridleway connection to Tally Ho Road as shown on plan OPA08R to a design to be agreed prior to the	4. [£532k] 5. £90k

	<p>commencement of any works in phase 4.</p> <p>3.To fund or provide a surfaced footpath/cycleway connection between the site and Matalan Roundabout via the footbridge over the A28 and Great Chart Village by the occupation of[1500] dwellings.</p> <p>4.Promotion/enhancement of NCR18 scheme to be agreed between the parties to include making a contribution to either KCC or ABC of [£532k] towards the off-site NCR18/ "Learning Link" cycle route.</p> <p>5. To provide a contribution to KCC towards surfacing and signing of Byway AW245 between the southern site boundary and Bethersden Road.</p>	
35.	<b>Repayment to the Regional Infrastructure Fund</b>	A total RIF contribution of £5,622,589.

#### Recommendation

(G) Subject to the receipt of an amended site plan deleting areas of land not owned by the applicants (see attached letter).

(H) Grant Outline Planning Permission.



**Lois Jarrett**

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**From:** Bob Sellwood <[REDACTED]>  
**Sent:** 13 October 2014 16:09  
**To:** Sue Head  
**Cc:** Lois Jarrett  
**Subject:** Chilmington Green  
**Attachments:** SKMBT\_C224e14092916070.pdf

**Email only**

Sue

**Chilmington Green**

Further to our telephone conversation on Friday, DAC Beachcroft has now completed its visual check of all the Land Registry titles at Chilmington Green, to assess whether there is any third party land ownerships within the Chilmington Green boundary.

I can confirm the following

1. None of Ian Wolverson's land is within the application site
2. We discussed whether thin slivers of land to the north east of K568181 (Mr and Mrs Leavey) and south of KK954528 (Mr and Mrs Frohnsdorff) were within the application site. We do not consider this to be the case
3. The triangle of land to the south of K816185 (Mr and Mrs Carpenter) is within the application site, as explained in my email of the 9<sup>th</sup> October. We would propose to amend the red line to exclude this. The area in question amounts to 170 m<sup>2</sup>
4. I have also been advised that Pentland no longer have an Option on the employment buildings on the southern side of the Chilmington Green Road / A28 junction (part of 'the Judges' land shown hatched black on the attached plan). As you will be aware, the land was shown as retained in its existing use in the AAP and on the Land Use Parameter Plan (OPA02R). In view of this, it is also proposed to exclude the hatched black land from the application site.

DAC Beachcroft has asked the Land Registry to confirm that the above assessment is correct and we hope to have this information in a couple of days. I suggest we then make these small non material changes to the application boundary.

Please give me a call if you have any queries on the above.

**Bob Sellwood**  
Sellwood Planning

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**Sellwood  
Planning**

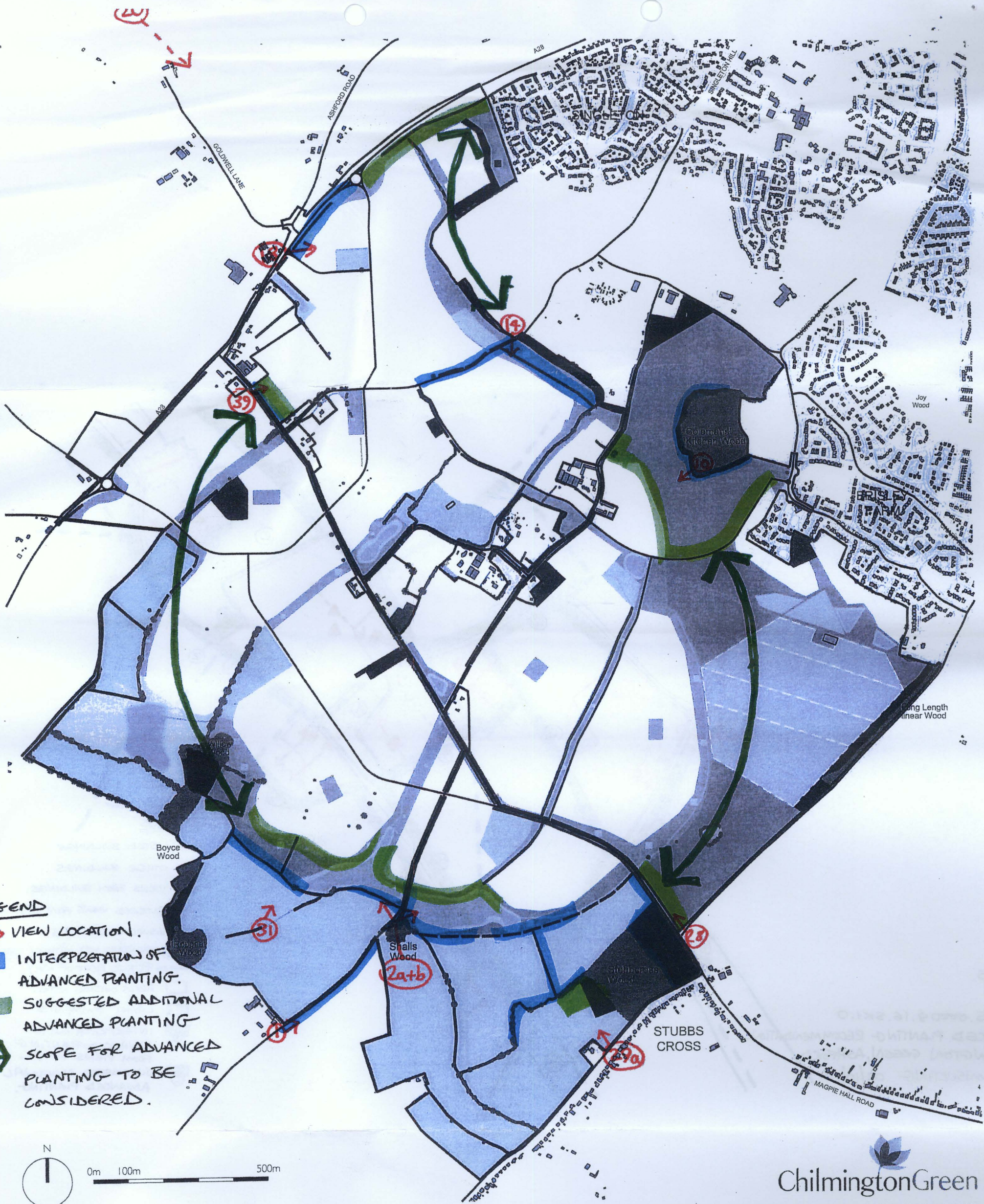
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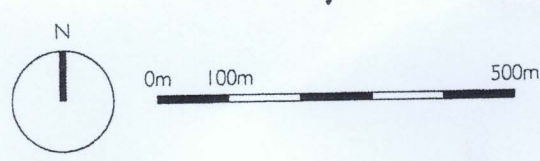


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- LEGEND**
- ➔ VIEW LOCATION.
  - INTERPRETATION OF ADVANCED PLANTING.
  - SUGGESTED ADDITIONAL ADVANCED PLANTING
  - ➔ SCOPE FOR ADVANCED PLANTING TO BE CONSIDERED.



**NOTES**

DO NOT SCALE FROM THIS DRAWING. ALL CONTRACTORS MUST VISIT THE SITE AND BE RESPONSIBLE FOR TAKING AND CHECKING DIMENSIONS. ALL CONSTRUCTION INFORMATION SHOULD BE TAKEN FROM FIGURED DIMENSIONS ONLY. ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS AND SITE CONDITIONS MUST BE BROUGHT TO THE ATTENTION OF THE SUPERVISING OFFICER. THIS DRAWING AND THE WORKS DEPICTED ARE THE COPYRIGHT OF JOHN THOMPSON & PARTNERS.

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| <span style="background-color: black; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Site boundary                     | <span style="border-bottom: 1px solid blue; width: 20px; display: inline-block;"></span> Watercourses   |
| <span style="background-color: black; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Allotments                        | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Flood Attenuation                           |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Discovery Park                | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Publicly Accessible SuDS margin (freeboard) |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Ecologically Managed Farmland | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Green Space                                 |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Long and Open Grassland       | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Play Spaces                                 |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Species Rich Grassland        | <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Outdoor Sports Pitches                      |
| <span style="background-color: lightblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Flooded Meadow Ecology Park   | <span style="background-color: darkblue; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Existing Woodland                            |
| <span style="background-color: black; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Proposed Woodland                 | <span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span> Hedgerows   |

**Chilmington Green Consortium**

36-40 York Way, London, NI 9AB T: +44 (0)20 7843 3170 W: www.turkingtonmartin.com

Project: Chilmington Green, Ashford

Drawing Title: OPA06R: Open Space Plan

00985.00008.16.SK2.0

SLR CONSULTING MARK UP -2/10/14.

**turkington martin**

**TURKINGTON MARTIN**

Job Ref. \_\_\_\_\_ Drawn \_\_\_\_\_ Checked By \_\_\_\_\_

Date: 09/09/2013

Revision \_\_\_\_\_

Scale: A3  
1:10,000  
Drawing No. 00122\_OPA\_06R





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ADVANCED PLANTING RECOMMENDATIONS.  
CHILMINGTON GREEN, ASHFORD  
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