

**TENTERDEN TOWN COUNCIL**

**PLANNING COMMITTEE  
AGENDA ITEM 7**

**25<sup>th</sup> JULY 2016  
DECISIONS LIST NO. 536**

**DECISIONS OF ASHFORD BOROUGH COUNCIL'S PLANNING COMMITTEE.**

The following decisions have been made:

**Planning Applications:**

**16/00150/AS Ingleden Park Riding Centre.**

Replacement of commercial equestrian buildings with two dwellings and associated garaging and private stable building.

**PLANNING PERMISSION IS GRANTED.**

**16/00541/AS Tenterden Bowls Club.**

Replacement of dilapidated changing rooms with new building incorporating ladies, gents and disabled toilets.

**PLANNING PERMISSION IS GRANTED.**

**16/00689/AS High Chimney Farm, Biddenden Road.**

Change of use and extension and modifications of existing building from B8 (storage & distribution), and change of use of existing stable block, all to B1(a) and B1(c) uses (office/light industry).

**PLANNING PERMISSION IS GRANTED.**

**16/00705/AS 3A Smallhythe Road.**

Single storey rear extension.

**PLANNING PERMISSION IS GRANTED.**

**16/00706/AS 3A Smallhythe Road.**

Single storey rear extension, replace door to existing rear extension with bi-fold doors, replace UPVC window to south elevation with timber sash window, infill doorway. Internal alterations to include changes to partitions to ground and first floor, under floor heating to kitchen and remove modern fireplace to living room to expose inglenook.

**CONSENT IS GRANTED.**

**16/00736/AS Land at St. Michaels Place, Grange Road.**

Erection of new dwelling and garage (resubmission of planning approval 14/00020/AS)

**PLANNING PERMISSION IS GRANTED.**

**16/00741/AS 3-4 Yew Tree Cottage, Grange Road.**

Demolition of garage, shed and outside WC. Erection of detached house and car barn.

**PLANNING PERMISSION IS GRANTED.**

**16/00785/AS Land to the rear of 15 and 16 Shrubcote.**

The erection of two detached two storey dwellings.

**PLANNING PERMISSION IS GRANTED.**

**16/00849/AS Glen Ellyn, Shoreham Lane.**

Part single / part two storey side extension to include double garage and living accommodation above and single storey rear extension.

**PLANNING PERMISSION IS GRANTED.**

**Tree Applications:**

**16/00108/TP Oaklee, Ingleden Park Road.**

To crown lift one oak to 5 metres.

**GRANT CONSENT.**

## TENTERDEN TOWN COUNCIL

### PLANNING COMMITTEE AGENDA ITEM 8

25<sup>th</sup> JULY 2016  
ABC LOCAL PLAN TO 2030

Training report

#### **Ashford Borough's draft Local Plan – out for consultation**

Training provided by Ashford Borough Council via KALC Ashford Branch

Summary

The Local Plan needs to balance viability with deliverability. ABC uses an infrastructure-led approach

There is an evidenced need for 727 residential units per year plus a buffer of 55 units per year

For the period 2011-2030, this equates to 14,680 units, and for 2016-2030 12,199 units

The current draft Local Plan allocates sites for 12,600 units: 6,565 are planned at Chilmington Green, 1,000 are expected as windfalls, other existing allocations total 1,135 units leaving new allocations totalling 3,900 units required

Bear in mind that, under the National Planning Policy Framework, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless –

- the adverse effects of doing so would significantly and demonstrably outweigh the benefits or
- specific policies in the NPPF (Green Belt; SSSI; AONB; etc) indicate development should be restricted

Effectively, this means that a failure to make adequate, up-to-date provision in the Local Plan leaves it open to developers to get planning permission – by appeal, if necessary – on sites that are unsuitable. To stop that, the Local Plan needs to make full and up-to-date provision: a refusal to engage amounts to opening the door to unsuitable development

The jobs target is 12,600 for 2011-2030, and for 2016-2030 11,100. It is expected that 25% of new jobs will be in the rural economy

Affordable housing must be provided on sites of 10 units or more (except flats). The percentage required depends on the location: outside Ashford itself, 40% of units must be affordable, at least half of which must be starter homes. Further, at least 5% of units on rural developments must be self-build or custom-build. This puts enormous pressure on the financial viability of developments, resulting in there being less scope for section 106 contributions and high quality design and construction

S.106 contributions have to be for specific, deliverable projects arising from the particular development – not a simple contribution for “primary education” for example

Infrastructure issues should be considered –

- Schools
- High speed broadband
- Allotments
- Local needs housing
- Surgeries
- Drains
- Accommodation for the elderly
- Open spaces
- Sports provision
- Roads
- etc

Gipsy and traveller provision required in the borough is assessed at 54 pitches between 2013 and 2030, coming down to 23 pitches between 2016 and 2030. Of these, 7 are allocated at Biddenden and Westwell, leaving 16 pitches to be allocated. The allocation is governed by Policy HOU16. As above, a failure to make adequate, up-to-date provision in the Local Plan leaves it open to applicants to get planning permission – by appeal, if necessary – on sites that are unsuitable

Other topics discussed were –

- Neighbourhood Planning
- Local needs housing
- Village envelopes

The PowerPoint slides are due to be circulated to provide details on these topics

Action points

1. It is important to comment now on the draft Local Plan to ensure its provisions are suitable for Tenterden
2. We cannot be NIMBYs – if the Local Plan as a whole is inadequate, development will, in effect, be forced on us by the system
3. We need a “wish list” for infrastructure improvement that can be contributed towards by S.106 agreements

- Cllr Justin Nelson: 16 July 2016

## TENTERDEN TOWN COUNCIL

### PLANNING COMMITTEE AGENDA ITEM 9

25<sup>th</sup> JULY 2016  
KALC PLANNING CONFERENCE REPORT

#### Development management

Planning applications, appeals and enforcement

Report of a presentation by Lindsay Frost planning consultant, to the KALC conference on 07 July 2016

This presentation was a thorough review of the planning process that included a number of important points that are worth repeating or emphasising in relation to the town council's role in the planning process. It is a brief summary – if anyone wants a copy of the PowerPoint presentation, let me know

Purposes of the planning system

1. Regulate *in the public interest* (not to advance – or harm – the interests of an individual or organisation) the development and use of land
2. Balance the need for development (homes, jobs, infrastructure) with the need to protect and enhance important features of the local environment
3. Deliver sustainable development – meeting current and immediate social and economic needs without compromising the legacy for future generations
4. Test applicants' schemes through the planning process and giving a say – but not a veto – to people affected by development schemes
5. Control unauthorised development

The detailed objectives are set out in para 17 of the *National Planning Policy Framework*

Local Plans and Neighbourhood Plans

The system is plan-led:

- Each local planning authority (LPA) must prepare a development plan for its area, looking 15 to 20 years ahead and based on strong evidence
- The development plan should set out –
  - what development is needed in the area
  - allocations of land to meet development needs
  - the infrastructure necessary to support development
  - key features of the built and natural environment to be conserved and enhanced
  - planning policies to guide decisions on planning matters and secure development in line with the plan (decisions should normally be made in accordance with the plan)
- Public involvement is required by law and essential for production of an effective plan – Ashford Borough's draft of the proposed new Local Plan is currently out for consultation, and it is important we provide input for this
- The plan, when finalised as a draft, will be tested by a public examination by an independent inspector
- The plan requires a Strategic Environmental Assessment to ensure that sustainable choices are made

The system is hierarchical, with each level setting the context for the level below (ie: a lower tier plan is not allowed to conflict with one above it) –

- National Planning Policy Framework (NPPF) 2012
- Local plans prepared by each LPA in cooperation with its neighbours:
  - Minerals and Waste Plans prepared by KCC
  - Local Plans prepared by the borough and district councils or unitary authorities
- Neighbourhood Plans

My conclusion: while adopted Neighbourhood Plans have the same status as Local Plans, they will not be approved or adopted if they conflict with the Local Plan, so it is more effective and efficient to concentrate on making reasoned and timely comments on the draft Local Plan than to allow the Local Plan to slip through, then pursue a fruitless attempt to “correct” it through a Neighbourhood Plan

How planning decisions are made

The LPA has to make decisions within 8 weeks for most applications (13 or 16 weeks for some major applications). All application sites are visited by a planning officer at least once. Three weeks are allowed for consultees’ and neighbours’ views – including town and parish councils. *Question: is our three-weekly cycle of planning committee meetings adequate, or is there a risk of applications being processed without the town council having an opportunity to comment?* There is strong government pressure for LPAs to meet the targets and those that fail can be “placed in special measures” if their performance is weak

Legally, “the local planning authority may grant planning permission, either unconditionally, or subject to such conditions as they think fit, or they may refuse planning permission” (*Town and Country Planning Act 1990*) but “the determination must be in accordance with the [development] plan unless material considerations indicate otherwise” (*Planning and Compulsory Purchase Act 2004, section 38(6)*)

This means that –

- The development plan (comprising the adopted Local Plan and any relevant Neighbourhood Plan) has primacy and is the starting point for any decisions
- Material considerations have to be identified as such *and* weighed against the development plan’s policies – they are not overriding and need to be significant in order to override planning policy
- Applications have to be determined on their individual merits having regard to the development plan and other material considerations

Under the NPPF, there is a presumption in favour of development if it is sustainable. Sustainable development has five guiding principles –

1. Living within the planet’s environmental limits
2. Ensuring a strong, healthy and just society
3. Achieving a sustainable economy
4. Promoting good governance
5. Using sound science responsibly

The NPPF says –

- Decision-making should be approached in a positive way to foster delivery of sustainable development
- There should be a seamless relationship between plan-making and decision-making, translating plans into high quality development on the ground
- Councils should look for solutions, rather than problems
- Pre-application discussions should be promoted to make the formal application process as smooth as possible

The outcome is that –

- Development plans that accord with the development plan should be approved without delay
- Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless –
  - the adverse effects of doing so would significantly and demonstrably outweigh the benefits or
  - specific policies in the NPPF (Green Belt; SSSI; AONB; etc) indicate development should be restricted

Material considerations

Factors considered when deciding whether to grant or refuse permission or impose conditions must be both **material** and given appropriate **weight** –

- *Materiality*: whether, in the particular circumstances, a factor is relevant: it must be a genuine planning consideration relating to the development in the public interest
- *Weight*: the relative importance to be attached to a material consideration in reaching a decision; while this is a matter of judgement, the decision maker must act reasonably and the reason(s) for the decision should be clear and rational

Section 106 agreements

Ashford Borough Council will continue to use section 106 agreements, even after CIL is introduced, where they are appropriate. However, the rules governing them have been tightened up – in the developers' favour. In particular, as far as financial contributions by developers are concerned, these can no longer be paid into a general pot (eg, for primary or secondary education, or social services, etc); they must relate to specific, deliverable projects necessitated by the development in question. In addition, they must be –

- necessary to make the development acceptable in planning terms
- directly related to the proposed development
- fair and reasonable in both scale and kind in relation to the proposed development

They cannot –

- require a developer to remedy existing deficiencies in local infrastructure
- offer benefits unrelated to the proposed development
- be used as a levy on development – that is CIL's role

- Cllr Justin Nelson: 16 July 2016