

## Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on **14<sup>th</sup> October 2020.**

### Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Anckorn, Chilton, Clokie, Harman, Howard, Howard-Smith, Iliffe, Mulholland, Rogers, Shorter (ex-Officio, non-voting), Sparks, Wright, Walder

In accordance with Procedure Rule 1.2(c) Cllrs. Mulholland and Rogers attended as Substitute Members for Cllrs. Forest and Ovenden respectively.

### Apologies:

Cllrs. Forest, Ovenden.

### Also Present:

Cllrs. N. Bell, Clarkson, Cornish, Pickering.

### In Attendance:

Head of Planning and Development; Interim Strategic Development & Delivery Manager; Deputy Team Leader – Planning Applications; Team Leader – Strategic Applications; Planning Officer; Consultant Planning Officer; Consultant Planning Officer; Urban Designer/Architect; Deputy Team Leader – Strategic Applications; Principal Solicitor (Strategic Development); Member Services Manager (Operational); Civic Engagement Officer; Member Services and Ombudsman Complaints Officer.

## 102 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement as she was a Member of the Campaign to Protect Rural England and the Weald of Kent Protection Society.	
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Clokie	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society and the Tenterden & District Residents	

	Association.	
Harman	Declared that she was the Chairman of Aldington & Bonnington Parish Council. However, she had no involvement with the conclusions and representations made by the Parish Council on planning applications and had not been involved in compiling or making the views expressed on this application.	105 – 20/00154/AS
Mulholland	Declared that he was representing Tenterden Town Council and would be speaking against the application. He did not vote on it.	105 – 19/01206/AS
	Declared that he was a member of Tenterden Town Council's Planning Committee, and had predetermined this application. He did not vote on it.	105 – 20/00604/AS
Walder	Declared that she had voted against the originally submitted version of this application at Tenterden Town Council, before it had been fundamentally amended to a much smaller-scale scheme.	105 – 19/01206/AS

### **103 Public Participation**

The Member Services Manager (Operational) drew attention to the Public Participation note contained within the agenda. He advised that in addition to the ability for the public speakers to submit their speech to be read out to the Committee, additional work had been undertaken to allow the public speakers to dial into the meeting to address the Committee themselves. Some speakers had chosen to do this, but should there be technical issues their speeches would be read out by a Council Officer.

### **104 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 16<sup>th</sup> September 2020 be approved and confirmed as a correct record.**

### **105 Schedule of Applications**

**Resolved:**

**That following consideration of (a), (b) and (c) below,**

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

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<b>Application Number</b>	20/00154/AS	
<b>Location</b>	Land West of Calleywell Lane, Aldington	
<b>Grid Reference</b>	605987/137058	
<b>Parish Council</b>	Aldington	
<b>Ward</b>	Saxon Shore	
<b>Application Description</b>	Erection of 33 dwellings including the creation of access, green space, a communal green, and landscaped areas and associated infrastructure	
<b>Applicant</b>	Camburgh House	
<b>Agent</b>	Taylor-Hare Architects	
<b>Site Area</b>	4.8ha	
(a) 164/140R 1+	(b) R	(c) KH&T/X, KCCLLFA/X, KCCPROW/X, KCCED/X, ABCED/X, HO/X, EHO/X, KF&R/X, KP/X, NE/X, NHS/E RA/X

The Consultant Planning Officer gave a presentation and drew Members attention to the Update Report. Four further letters of objection had been received.

In accordance with Procedure Rule 9.3, Mr Hulme, a local resident, had registered to speak in objection to the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix A.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, had registered to speak in support of the application. She dialled into the meeting to address the Committee and her speech as submitted in advance of the meeting is attached to these Minutes at Appendix B.

In accordance with Procedure Rule 9.3, Aldington and Bonnington Parish Council, had registered to speak in objection to the application. Their speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix C.

**Resolved:**

The Council cannot issue a formal decision so the following represent the deemed reasons for refusal that the appeal will be contested upon:

1. The proposed scheme as a result of its scale, design and mass would erode and urbanise this important undeveloped piece of land and result in less than substantial harm to the character and setting of the adjacent Conservation Area contrary to the provisions of Policies SP1, SP6, HOU5 and ENV13 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework. The identified public benefits are not considered to be sufficient to outweigh the identified harms.
2. The proposed scheme would as a result of the scale, design and mass of development result in harm to the undeveloped landscape character of the site and its surroundings, contrary to the provisions of Policies SP1, SP6, HOU5 and ENV3a of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework. The proposal would be detrimental to visual amenity of the area.
3. In the absence of a completed S106 Obligation relating to the infrastructure contributions, including the provision of Affordable 'housing, required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policies IMP1, IMP3, IMP4, COM1, COM2, COM3, COM4 and HOU1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
4. The proposed scheme makes no provision for housing for self or custom builders and is therefore contrary to the provisions of Policy HOU6 of the Ashford Local Plan 2030 and the National Planning Policy Framework.
5. Insufficient information has been submitted to allow a full assessment of the implications of the proposed development upon the Stodmarsh water environment, a European Designated Nature Conservation Habitat. In the absence of this information the Local Planning Authority is unable to determine the impact of the development upon the water quality and its impact upon the Stodmarsh designated site's protected habitats and species, as required by the Conservation of Habitats and Species Regulations (2017 as amended). The scheme would therefore be contrary to the provisions of Policy ENV1 of the Ashford Local Plan and the provisions of the National Planning Policy Framework.

AND:

That the Strategic Development and Delivery Manager and the Development Management Manager be delegated authority, in consultation with the Director of

Law and Governance, to handle the appeal; to enter into discussions with the appellant and others regarding planning conditions, section 106 obligations and other matters as necessary or beneficial; to agree arrangements providing for all appropriate obligations to be payable.

### **Note to Applicant**

1. S106

2. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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<b>Application Number</b>	19/01206/AS		
<b>Location</b>	London Beach Golf Club, Ashford Road, St Michaels, Tenterden, Kent, TN30 6HX		
<b>Grid Reference</b>	588370 135811		
<b>Town Council</b>	Tenterden		
<b>Ward</b>	Tenterden		
<b>Application Description</b>	Full planning permission for a detached 3-storey building containing 12 x 2 bedroom flats for active retirees with associated parking and landscaping (amended scheme)		
<b>Applicant</b>	London Beach Golf Course & Country Hotel		
<b>Agent</b>	Mr Goddard		
<b>Site Area</b>	0.39 hectares		
(a) 21/2R	(b) TTC - R	(c)	KCC Highways X KCC Drainage X KCC Arch X KCC Eco X ABC Open Space X ABC Refuse X ABC EHO X NHS - Kent Fire/ Police X SW / SG X
2nd consultation No additional neighbour comments received			KCC Highways X KCC Drainage X KCC Arch X KCC Eco X ABC Open Space X ABC Refuse X ABC EHO X NHS - Kent Fire / Police X SW / SG X

The Consultant Planning officer gave a presentation and advised Members that a further consultation response had been received from Tenterden Town Council, who reiterated their previous objections to the application.

In accordance with Procedure Rule 9.3, Mr Goddard, the agent, had registered to speak in support of the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix D.

The Portfolio Holder for Planning and Development explained that the meeting with the Planning Portfolio Holder referred to by Mr Goddard had occurred before he took up that position.

In accordance with Procedure Rule 9.3, Mr Mulholland, on behalf of Tenterden Town Council, had registered to speak in objection to the application. He attended the meeting and addressed the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix E.

## Resolved:

### Permit

- A. Subject to the applicant first entering into a Section 106 agreement undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.**

**Table 1: Heads of Terms for Section 106 Agreement/Undertaking**

<b>Applies to sites of 11 dwellings or more</b>			
<b>Planning Obligation</b>			
<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>	
<b>Affordable housing –</b> Offsite contribution to be paid towards the delivery of affordable housing within the urban area.	Commuted sum payment  To be confirmed	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings	
<b><u>Adult Social Care</u></b>  Project: Towards extra care accommodation in	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on	



	the Borough		occupation of 50% of the dwellings
	<b><u>Libraries</u></b> Contribution for additional book stock for Tenterden Library for the new borrowers generated by this development	£48.02. per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
	<b><u>Community Learning</u></b> Project: Towards additional IT equipment for additional learners from development	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
	<b><u>Accessible Homes Head.</u></b> Accessible Housing At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy HOU14 part	Provide on-site 20% of all units.	Prior to first occupation of any dwelling comprised within the Development
	<b><u>Occupation</u></b> The flats shall only be occupied by people aged 60 years or over (and their partners aged 55 and over)		
<b>Applies to all</b>			
	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><a href="#">Notices</a> must be given to the Council and County Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council and County Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

**B. Subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder technical representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been agreed with the applicant.**

**Commencement**

1. Standard time condition
2. Materials
3. Archaeology field evaluation

**Highways/Parking**

4. Provision of parking spaces
5. Electric car charging
6. Sightlines
7. Construction Management Plan
8. Cycle parking and refuse storage

**Landscaping**

9. Walls/Fencing
10. Landscaping scheme
11. Trees/protection measures

**Drainage**

12. SUDs scheme

**Ecology**

13. Ecological Mitigation Strategy and Ecological Enhancement and Management Plan

**Other**

14. Development in accordance with the approved plans
15. Development available for inspection

**Note to Applicant**

1. Working with the Applicant
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<b>Application Number</b>	20/00591/AS		
<b>Location</b>	Zone A, Waterbrook Park, Waterbrook Avenue, Sevington, Kent		
<b>Grid Reference</b>	2000441504		
<b>Parish Council</b>	Sevington		
<b>Ward</b>	Mersham, Sevington South with Finberry		
<b>Application Description</b>	Application for the approval of reserved matters including, layout, scale, appearance, access and landscaping in relation to the erection of a new storage and distribution centre including ancillary offices, including associated access, parking, landscaping and associated works		
<b>Applicant</b>	GSE Commercial Estates Ltd, c/o Agent DHA Planning Ltd Eclipse House Eclipse Park, Sittingbourne Road, Maidstone ME14 3EN		
<b>Agent</b>	DHA Planning Ltd, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone ME14 3EN		
<b>Site Area</b>	7.5 hectares		
(a) 4R	(b) X	(c)	EHM 'X', BDS 'R', BHS 'R', EA 'X', HE 'R', POL 'X', KCC Ecology 'X', KHS 'X', KCC PROW 'R', NE 'X' RAM 'R', NR 'X', KCC Flooding 'X'

The Deputy Team Leader – Strategic Applications gave a presentation. The Team Leader – Strategic Applications drew Members' attention to the Update Report. Further representations had been received from Highways England, neighbours and the site owner's legal representative. The recommendation was amended in the light of the updated position of KCC PROW.

In accordance with Procedure Rule 9.3, Mr Buckwell, the agent, had registered to speak in support of the application. He dialled into the meeting to address the Committee and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix F.

The Ward Member was unable to attend the meeting, but his statement in support of the application was read out by the Civic Engagement Officer.

**Resolved:**

**To defer consideration of the application to enable;-**

**(A) Officers to negotiate improvements to the scheme in respect of;-**

**(i) landscaping (both surrounding and within the site) to help soften and break up the visual impacts of proposed parking areas,**

**(ii) the approach to the proposed new alignment of Public Right of Way AE350 given the concerns expressed by the KCC concerning the quality of the proposal,**

**(iii) the design of the proposed buildings in order to help soften their visual impact (including matters of colour and external materials),**

**(B) the outstanding technical issues raised by Highways England to be responded to by the applicant, and**

**(C) an amended scheme (to also include an update on any outstanding ecological issues) to be brought back to the Committee for its consideration.**

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<b>Application Number</b>	20/00604/AS
<b>Location</b>	Phases 3, 4 and 5, Land south west of Recreation Ground Road and north and east of Smallhythe Road
<b>Parish Council</b>	Tenderden
<b>Ward</b>	Tenterden South Ward
<b>Application Description</b>	Amendments to phase 3 of the Church View development (TENT1A) to provide 36 residential dwellings along with associated landscaping, infrastructure and works
<b>Applicant</b>	Tenterden Developments Ltd, a subsidiary of Dandara Ltd
<b>Agent</b>	Ms R. Alwood
<b>Site Area</b>	1.09 ha

(a) 51/7R Petition 12R	(b) TTC - S	(c) NE – SW X KH&T X KCC Dev Cont X KCC PROW X Kent Police – ABC Housing S CS X EP X
2nd consultation 7/No comments received		KH&T X ABC Housing S Refuse X

The Urban Designer/Architect gave a presentation.

**Resolved:**

**(A)**

**Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 and / or a deed of a variation, in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**Heads of Terms for Section 106 Agreement/Undertaking : Table 1**

Planning Obligation		
Detail	Amounts (s)	Trigger Points (s)
<p><b><u>Affordable Housing</u></b></p> <p>In accordance with table within Policy HOU1. Provide not less than <b>40%</b> of the units as affordable housing.</p> <p>To provide the affordable rent units and shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified.</p>	<p>8 affordable rent units</p> <p>6 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

<p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>		
<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p>	<p>Provide on-site 20% of all units</p>	<p>Dwellings required to be built in accordance with the standard to be approved prior to construction commencing.</p> <p>Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.</p>
<p><b><u>Adult Social Care</u></b></p> <p>Project: Towards Extra Care Accommodation in Ashford Borough.</p> <p>All homes built to Wheelchair Accessible and adaptable standard in accordance with building Regs Part M 4 (2).</p>	<p>36 units</p> <p>£146.88 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
<p><b><u>Allotments</u></b></p> <p>Specific Project: Contribution towards provision of or improvements to allotments and associated facilities and maintenance thereof.</p>	<p>36 units</p> <p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Contribution towards provision of or improvements to informal / natural green space at</p>	<p>5 units</p> <p>£434 per dwelling for capital costs</p>	<p>Upon occupation of 75% of the dwellings</p>

Tenterden Recreation Ground and associated facilities and maintenance thereof.	£325 per dwelling for maintenance	
<b><u>Children's and Young People's Play Space</u></b>  Project: Contribution towards provision of or improvements to children's and young people's play space at Tenterden Recreation Ground and associated facilities and maintenance thereof.	5 units  £649 per dwelling for capital costs  £663 per dwelling for maintenance	Upon occupation of 75% of the dwellings
<b><u>Community Learning</u></b>  Project: Towards additional resources and equipment for additional learners from development at Tenterden Adult Education Centre (AEC).	36 units  £16.42 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Health Care</u></b>  Project: Contribution towards improvements to Ivy Court Surgery in Tenterden or other health care services and/or facilities in the area.	31 units  £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Libraries</u></b>  Project: Contribution towards additional resources, services and book stock for the Tenterden library for new borrowers generated by the development.	36 units  £55.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Outdoor Sports Pitches</u></b>  Project: Contribution towards the provision of or	36 units	Upon occupation of 75% of the dwellings

improvements to outdoor sports pitches and associated facilities and maintenance thereof.	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	
<b><u>Primary Schools</u></b>		
Project: Towards the expansion of existing provision in the Tenterden South Education planning group.	5 units £4642 per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Secondary Schools</u></b>		
Project: As per existing legal agreement.	31 units £4,115.00 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Strategic Parks</u></b>		
Project: Contribution towards maintenance of or improvements to Tenterden Recreation Ground as per existing legal agreement  And Conningbrook Lakes Country Park	31 units  5 units  £146 per dwelling for capital costs  £47 per dwelling for maintenance	Upon occupation of 75% of the dwellings
<b><u>Voluntary Sector</u></b>		
Project: Contribution towards the provision of premises and facilities for use by voluntary organisations and towards community development and voluntary sector activity within the same settlement or in a reasonably accessible alternative location	31 units £87 per dwelling	Upon occupation of 75% of the dwellings



<b><u>Waste:</u></b> Project: Towards new waste floor at the Ashford Waste Centre	5 units £237.54 per dwelling	
<b><u>Youth Services</u></b> Project: Towards additional resources for Youth services in Ashford Borough	36 units £65.50 per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid. Any other contribution not specified above to be carried forward as per original S106.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>		

**(B) Permit**

**Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials – development carried out in accordance with materials approved under 14/00757/CONL
4. Design details – Development implemented in accordance with details approved under 14/00757/CONK; CONM and CONO.
5. No flues, vents, grilles or meter boxes installed on front elevation
6. All sash windows shall be fully operational sliding sashes
7. All windows – timber
8. Details of boundary treatment

9. Details of hard landscaping in accordance with those approved under 14/00757/CONL
10. External lighting
11. Implementation of Restricted Parking Zone
12. Details of facilities to accommodate refuse storage 16/01853/CONA
13. Submission of details of soft landscaping
14. Replacement of trees that die within 5 years
15. Retention existing hedgerows
16. Retained trees and shrubs
17. Landscape management plan for that phase 16/01853/CONA
18. Final levels for phase
19. Ecological enhancements in accordance with 14/00757/CONF
20. Herpatile exclusion fencing in accordance with 14/00757/CONF
21. Mitigation strategy 16/01853/CONA
22. Badgers 16/01853/CONA
23. Mitigation in accordance with approved Ecological Assessment by Ecology Solutions Ltd, May 2014
24. Vehicle parking and turning
25. Bicycle storage facilities 16/01853/CONA
26. No occupation of dwellings south of leisure centre until Sandy Lane pedestrian link implemented in accordance with details 16/01853/CONA
27. Construction Code of Practise approved under 14/00757/CONP
28. Footpath surfacing
29. Sewage connection
30. SUDS in accordance with 16/01853/CONA
31. Removal of permitted development rights car barns
32. Removal of permitted development rights extensions

33. Removal of permitted development rights fences and outbuildings
34. Occupied as single family dwelling
35. Archaeology – as approved under 14/00757/CONA
36. Enforcement condition

### **Note to Applicant**

1. S106
2. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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/ agent responded by submitting amended plans, which were found to be acceptable.
  - The applicant was provided the opportunity to submit amendments to the scheme/ address 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.
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<b>Application Number</b>	<b>19/00505/AS</b>		
<b>Location</b>	Greenacres Farm Fishery, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH		
<b>Grid Reference</b>	584271, 138434		
<b>Parish Council</b>	Biddenden		
<b>Ward</b>	Biddenden		
<b>Application Description</b>	Erection of temporary bailiffs cabin and siting of 4 holiday lets		
<b>Applicant</b>	Greenacres Farm Fishery		
<b>Agent</b>	Mr Simon McKay, SJM Residential Limited		
<b>Site Area</b>	650 sqm		
<b>Initial consultation</b>			
(a) 15/15R/7S	(b) X	(c)	Rural Planning Ltd X
<b>Second consultation</b>			
(a) 15/14R/3S	(b) -	(c)	Rural Planning Ltd X
<b>Final consultation</b>			
(a) 15/6R/3S	(b) -	(c)	Rural Planning Ltd X

The Planning Officer gave a presentation and drew Members' attention to the Update Report. Three additional representations had been received.

In accordance with Procedure Rule 9.3, Mr Embleton, a local resident, had registered to speak in objection to the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix G.

In accordance with Procedure Rule 9.3, Mr McKay, the agent, had registered to speak in support of the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix H.

In accordance with Procedure Rule 9.3, Biddenden Parish Council, had registered to speak in objection to the application. Their speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix I.

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

**Resolved:**

**Refuse**

The proposal is contrary to policies HOU5 and EMP11 of the Ashford Local Plan 2030 and Central Government guidance contained within the NPPF and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The intensification of the use of the site and the site access from the proposed bailiff's cottage and holiday lets would be detrimental to the residential amenity of the neighbouring properties due to potential noise and disturbance from increased activity and vehicle movements.

Notes to Applicant

1. Working with the Applicant.

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Queries concerning these Minutes?

Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)

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**Nick Hulme Statement - Aldington Resident:**

This application should be rejected for the following 5 major planning reasons ...

1. ABC has its 5 year land supply and approved Local Plan.... this site was rightly deemed 'unacceptable' for the Plan by a fair, Inspectorate-approved process which put two better sites forward in Aldington.
  
2. The bigger picture ... Aldington is the last remaining green buffer zone between East Ashford expansion and Otterpool. Building large unnecessary developments here will join the two up. Aldington is already struggling to sustainably absorb the exceptional levels of development for a small village (c100 new houses in last 6 years).. The school has to turn many villagers' children away, unsafe single track blind corner roads are on each entry point and everyone is wholly car-reliant for anything beyond very basic food provision.
  
3. Listening to villagers ... 136 (!) objections to just 1 supportive.. In a Sept 2020 survey as part of the Neighbourhood Plan designation process (200+ responses), villagers most often named this field as the most crucial to keep to preserve Aldington's identity and rural feel.
  
4. Fundamentals of sustainable planning are completely against this speculative proposal ... it is greenfield, Grade 2 farmed land, sits outside the identified settlement boundary and would dwarf the bordering Aldington Clap Hill Conservation Area by its disproportionate scale. Most crucially, it would sit on the highest point of the Aldington Ridgeline Lanscape Character Area making it so visually prominent that ABC Planning deemed it 'unacceptable and visually harmful' ... and 'contrary to those polices seeking to protect the landscape'. Given it's unusual undulation and elevation, the site can be seen uninterruptedly from Ashford 5 miles away, the historic Mersham church and North Downs. Let's learn from the mistake of Quarry House on the same historic ridgeline, not exacerbate it by allowing a much bigger development
  
5. Ghastly, harsh and unsympathetic design ... ALP Policy SP6 requires developments to take account of character and sense of place.. These houses would be zinc clad with powder coated aluminium (!), introducing a bizarrely urban form, at odds with Aldington's historic core and Conservation Area

In conclusion, along with 135 other villagers, I support ABC Planning view to stop this ugly, unnecessary greenfield development - disproportionate in scale and prominence - to preserve Aldington's historic ridgeline and its overall rurality – already under severe strain. If this site is allowed Aldington loses its identity and rural character for good.

## APPENDIX B

**Speech to Planning Committee on 14<sup>th</sup> October 2020 by Emma Hawkes,  
DHA Planning, Planning Consultants for Planning Application  
20/00154/AS - Land West of Calleywell Lane, Aldington**

There are a number of compelling reasons why this application should be approved.

The Calleywell Lane site is on the immediate edge of Aldington which is recognised in adopted Local Plan Policy HOU5 as a settlement capable of expansion through residential windfall development.

The site can deliver an entirely proportionate amount of housing including affordable housing and smaller units, as well as significant community benefits from improved green infrastructure. This will assist the Council in delivering its housing land supply, meeting the Local Housing Needs Survey requirements and will accord with the key principles of the NPPF in terms of sustainability.

Furthermore, it is considered that 33 dwellings would be absorbed in a sustainable way by the village given the level, type and quality of services available. The site is within easy walking distance of shops and facilities being 95 metres from the post office/corner shop, 260 metres from Aldington Fresh Foods and 750 metres from the primary school. Proposed residents will benefit from and contribute to sustaining these facilities in the longer term.

In addition, the proposals will sit sympathetically within the wider landscape and will, with enhanced landscaping, a landscape buffer, the use of native species and the creation of public landscaped open space, enhance the immediate setting of the village. Furthermore, the dwellinghouses have been sensitively designed in terms of scale, bulk and materials to reflect surrounding development in the village and to be consistent with its prevailing character and built form. The Council's Environmental and Streetscene Officer describes the design as a 'fantastic and environmentally sensitive scheme with excellent communal amenities'.

Since the submission of the non-determination appeal, the Natural England nitrates issue affecting the Great Stour catchment area has become apparent. The applicant has instructed consultants to calculate the nitrates/phosphates generated by the development and a mitigation strategy together with an Appropriate Assessment will be submitted to the Planning Inspectorate. The intention is to utilise land within the applicant's ownership as part of the remediation strategy which is an approach not possible with smaller sites such as the allocated sites in Goldwell Lane, Aldington.

With regards to the S106 legal agreement, it is the applicant's intention to submit a draft Agreement to the Inspector ahead of the informal hearing.

Therefore we contend that the proposal is in accordance with local and national planning policy and will comprise a sustainable development within the settlement of Aldington.

## APPENDIX C

Aldington isn't opposed to development but wants to retain its unique identity. We would like to see a more considered approach to planning, respecting the local housing needs identified in the local plan.

Since 2013, 96 new dwellings have been built in Aldington and 18 new homes will be built by 2030. We are currently working on a neighbourhood plan and local residents have expressed a desire sustainable building in the future. This site isn't sustainable for its reliance on fossil fuel types, construction methods and the need for the use of cars to access the village.

Aldington is sandwiched between the considerable development which is taking place to the West at Cheeseman's Green and the proposed new Garden Town of Otterpool Park to the East.

This proposed site is a greenfield site cropped annually and previously rejected for inclusion in the local plan in 2017. A planning application for 80 dwellings was withdrawn by the applicant in 2019. The site is also accessed by a public right of way.

This is a speculative, windfall site, the applicant hasn't engaged with the parish council or the village. We are appalled to see the Section 106 money from this site would not even go to the village, but instead to support an area of Ashford several miles away. We are currently working hard as a village to address a number of issues including anti-social behaviour, which is compounded by the lack of facilities for young people / teenagers many of whom who are new to the village and whose freedoms are already compounded by a lack of public transport to and from the village.

Other objections:

- Aldington Primary School is full
- Public transport to the village consists of the 111 bus service on a Thursday, and the 125 bus providing one service a day Monday-Friday.
- Aldington is a dark sky zone and given this site's prominence on the ridge and use of roof lights this would impact greatly on the area and visually from further afield and the North Downs.
- This site is elevated and will contribute to flooding in the Calleywell Lane flood zone.
- Housing surrounding the site will be affected greatly as these homes currently enjoy open views across the ridge towards the North Downs, a major feature of Aldington's position at the top of Romney Marsh and the adjacent, historic Clap Hill Conservation area.



## APPENDIX D

Chairman and councillors,

The owners of the hotel met with the leader in 2018 to discuss the future of the hotel. Following that a round table meeting took place in the summer of 2018 with the ward councillor, the planning portfolio holder and key planning staff to consider a range of proposals, including those offering suitable housing for the active retired. The Head of Development Management and Strategic Sites suggested a scheme of 60 apartments. We submitted an application for those 60 units in July 2019.

Earlier this year, following advice from the case officer, we reduced the proposed five blocks of apartments to one; with a total of 12 apartments.

Two neighbours objected to the scheme for 60. None have objected to the 12.

The town council's objection to our significantly smaller scheme of 12 is identical to their objection to the 60. They objected in similar terms to 3 previous similar schemes at the hotel. However, all were granted planning permission by committee.

Our site is opposite a major housing allocation in the local plan and grouped with other development for which the council has granted planning permission at the hotel.

The hotel is a key employer. Its golf course, gym and spa facilities contribute to the town's tourism, sport and recreation offer. This application is vital for the hotel. It providing an income stream and supports its golf course, fitness and spa facilities.

We will achieve a highly sustainable development, increasing net biodiversity, and provide an electric shuttle bus to and from this development and Tenterden.

The scheme will help to meet the future housing requirements of the increasing numbers of elderly people in our population. Those moving here are likely to be local people who will release their larger houses for families. The local plan encourages windfall development as a significant component of housing delivery.

This is a logical and acceptable continuation of development similar to that which has previously been supported at the hotel. There are significant economic, social, tourism, sport and recreation benefits which weigh heavily in the planning balance.

Your officer's report provides a very thorough analysis of the proposals and addresses all the objections raised by the town council. He finds it to be consistent with the key local plan policy HOU5. His recommendation is unhesitating and positive.

We ask you to endorse that recommendation and grant planning permission.

Thank you Chairman.

## Planning application 19/01206/AS

On behalf of Tenterden Town Council and TDRA and other objectors which represents several hundred residents in the Town I strongly object to this application on the following grounds:

### Material considerations

- (i) The application is not included in the Ashford Local Plan 2030;
- (ii) Despite being scaled down the development still continues to augment the progression of ribbon development with High Halden & urbanises the rural landscape (Paragraph 2.195 of Local Plan);

It endangers the identity of St Michaels as a village with eventual fusion with High Halden. Also negatively impacting on neighbouring villages and Dark Skies policies

- (iii) The application contradicts policy paragraph 6.58 of Local Plan, as the walking distance to the village of St Michaels is over the required 800 metres and over a mile to Tenterden the main settlement; Bus services are infrequent leading to increased traffic on what is an already congested patch of the A28

- (iv) It contravenes Policy SP7 - significant erosion of the green gap between St Michaels and High Halden

- (v) it will have a significant impact on ecology and wildlife;

Objections from Wild Life Trust and need for licences in respect Great Crested Newts

- (vi) Negative impact on neighbouring villages and our dark skies policy creating an unsustainable community

- (vii) low quality building design not in keeping with the surrounding vernacular

- (viii) carbon impact on the carbon neutral strategic objective by ABC. The additional habitation for *initially* another 24 residents will far exceed any mitigation measures that the applicant puts in place such as solar panelling

### Other strategic considerations

Tenterden have just had the results of a Housing Needs survey which showed a lack of affordable dwellings for local people at the expense of retirement flats and homes which are in great abundance in the area already

This won't benefit the residents of Tenterden but active retirees from out of town and the finances of already wealthy land and property owners

Most importantly, ABC have committed to protecting our villages which is laudable. If this application is approved it will signal the dead knell for such a commitment not just for St Michaels but all rural settlement

It's important that this is a hybrid application in 2 parts. Part 2 seeks outline planning application for 1.16 hectares of development comprising 4 blocks each. Therefore 48 flats potentially 116 residents it's potentially a major initiative which will change the rural landscape for ever. Approval of phase 1 will open the floodgates.

**Cllr. Ken Mulholland**  
**Tenterden Town Council Planning**

## APPENDIX F

This proposed parcel distribution centre will directly deliver several hundred much-needed new jobs, and training opportunities, for Ashford. This is not a speculative scheme. The inward investment for the borough will also sustain many jobs and businesses through the wider supply chain.

Waterbrook Park was granted hybrid planning consent in August 2019, which significantly, included commercial and industrial floorspace.

A couple of points in response to the Officer's report:

Firstly, reserved matters consent has previously been granted on this plot, with the same diversion of the Public Right of Way as shown now. Your Council has already made the necessary Order to divert in March 2020. That Order will be confirmed shortly, allowing the PROW to be formally diverted. It is considered that there is no change in position between the Chapel Down application and this. Indeed, if that application were progressed, the PROW would need to be crossed, as in the current proposal, to access the remainder of Parcel A. It was noted that KCC had no objection to this matter as part of the Chapel Down proposals.

Secondly, as a reserved matters scheme, the only matters before you are the scale, layout, appearance, landscaping and access arrangements. Only one of the proposed reasons for refusal relates to these matters. The outline permission does not require reserved matters to match the illustrative scheme, because clearly end-use requirements will dictate designs on commercial schemes. It should be borne in mind that this application will deliver much needed jobs now. However, if this scheme was not allowed to come here – an industrial site close to the motorway, allocated in the Local Plan and with outline permission for B8 uses – then where should it go instead? An unallocated green field on the edge of town? Or to another town altogether, in a different part of the county?

Finally, there is already a range of employment buildings in existence at Waterbrook, none of which are distribution centres. The proposed building will add variety and provide a range of employment opportunities on the site.

The scheme presented here tonight accords with all relevant planning policies. The proposals are not controversial. They will create much-needed jobs, in a sector that is growing at a time of uncertainty. If permitted tonight, operations will begin in 2021. I urge members to support this application which will help achieve the job growth requirements of policies SP3 and SP16.

## APPENDIX G

Dear Planning Committee Members,

Reference 19/00505/AS, Greenacres Farm Fishery, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH

As a residential owner of an adjacent property we further object to this application as outlined following:

With reference to the ABC report to the planning committee.

Since 2004 there has been a long and evolved planning history to this site with constant change to its proposed use including amendments, planning refusals and enforcement issues. This application represents a fundamental change of use from a fishery to a holiday let facility.

The conditions by which the site can operate are already quite complex and difficult to monitor for compliance. One of the key mitigations has been to restrict access for the fishermen during the night. However, one of the conditions for this application is to now allow access during the night to the bailiff's hut and pods while maintaining the restriction for the fishermen. This split in access restrictions is to be managed with a log in and out procedure which in our opinion is in-practical! This access restriction to date has somewhat mitigated nuisance movements at night.

Furthermore, we wonder if the proposed pods as a holiday let type business for family use is compatible with running a fishery were most anglers appreciate quiet and solitude. Also, to challenge further the need for a bailiff's hut on site as a business requirement.

None of the direct neighbors to this development have supported this application. Within this while the ABC Report sets out the many objections raised with the loss of residential amenity and other concerns. There are no new meaningful or additional controls proposed.

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22 October 2020

Thank you for the opportunity to speak at this meeting. This has been a long, hard road, but I am pleased to see that both Officers and the Rural Planning Consultant have agreed that there is importantly, both a functional, and financial need for the bailiff cabin to be installed at the property. The diversification to allow 4 small holiday let cabins will also provide an important additional income at a time where rural businesses are in danger of falling by the wayside.

The existing fishery has operated on a 24-hour basis, without issue, for at least 5 years. Whilst you have read from objectors that the proposal would significantly affect their amenity, I would draw members attention to the numerous discussions and amendments we have made to the application along the way, to comply with local and national policy. Cackle Hill fishery works perfectly well with 4 large holiday lets. It proves that it can work. We would urge you to take the same stance with this application.

Rural businesses simply will not survive without being able to diversify and broaden their revenue streams. Whilst the clients would prefer a permanent permission for the bailiff cabin due to the investment which has already gone into the premises, we would accept the temporary consent offered as it would give the LPA the opportunity to see how the business grows over the next 3 years.

The applicants brought the existing fishery in 2016 with the view of turning a run-down business with a history of skip fires and fly-tipping, into a quiet, top quality fishing venue in an idyllic setting. The applicants approached the project embracing the local village, offering work experience to many young people studying for their Fishery management degrees from Hadlow college. They will continue to do so.

They always encourage customers to use the local facilities in an attempt to boost the local economy. They want to remain to continue to be part of the community. Some of the comments which have been submitted simply aren't true, for example the assertion works have occurred without planning consent. None of this application is retrospective.

The business plan is robust, and the aims, achievable. We hope the annotated photographs sent to you all provide a useful insight into the character and



iting fishery, helping to prove that the proposed development  
e landscape.

*Simon McKay BSc MA MRTPI*  
Director, SJM Planning Ltd

The Parish Council OBJECTS to this planning application for the following reasons:

- The access remains unsuitable for increased usage.
- The time restrictions as detailed in the refusal of 18/01717/AS still apply.
- The current application would mean increased traffic which would impact greatly upon neighbouring properties. The restrictions, which are in place to protect these residents, would have to be removed in order to allow access to holidaymakers/ fishermen/residents of the proposed bailiff's cottage in the evenings. This would be detrimental as stated in the decision notice to 18/01717/AS and are contrary to the conditions imposed in 15/00449/AS.
- It is also noted that an Enforcement Notice EN/10/00090 was issued on 16 March 2010 regarding the breach of Condition 3. "Condition 3 in the planning permission has not been complied with, as follows: 'Entrance to, and exit from, the access to the lakes hereby permitted shall not be open to customers outside the hours of 0700 and 1900. Reason: In the interest of residential amenity.' A change in times and increased traffic in and out of the site due to holidaymakers/fishermen use of pods will affect residents. People using the holiday lets will not wish to be restricted by the times imposed on the site for the protection of the residential amenity and these structures will lead to breaches of the planning condition.
- There are inaccuracies in Agents Letter. The Parish Council would dispute the sentence that "there is an identified local need in the South-East for additional self-serviced holiday accommodation." This is certainly not the case in Biddenden where there are many holiday lets available, two caravan sites offering holiday accommodation, camping and many properties suitable for all budgets available through the internet both in Biddenden and surrounding areas.
- There is no shortage and this is a spurious reason for erecting the pods.