

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Ashford on **16th June 2021**.

Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Cllrs. Anckorn, Feacey, Forest, Harman, Howard, Iliffe, Mulholland, Shorter (ex-Officio, non-voting), Sparks, Wright.

In accordance with Procedure Rule 1.2(c), Cllr. Feacey attended as Substitute Member for Cllr. Clokie.

Apologies:

Cllrs. Chilton, Clokie, Howard-Smith, Ovenden.

Also Present:

Development Management Manager; Principal Solicitor (Strategic Development); Member Services Manager; Member Services and Ombudsman Complaints Officer.

49 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	
Shorter	Declared that he knew the agent, but it was a historical situation only, and was not prejudicial.	52 – 20/00767/AS

50 Public Participation

The Member Services and Ombudsman Complaints Officer advised that at this meeting registered public speakers had been invited either to address the Committee in person, or to have their speeches read out by a designated Council Officer, not from the Planning Department. On this occasion, four speakers had registered, all of whom had chosen to have their speeches read out on their behalf.

51 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th May 2021 be approved and confirmed as a correct record.

52 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 '-'

Application Number	19/00921/AS
Location	Lakeside Nursing Home, Chapel Road, Hothfield, Ashford, TN25 4LN
Grid Reference	96773/46428
Parish Council	Hothfield
Ward	Upper Weald
Application Description	Outline planning permission considering access, layout and scale for the demolition of two out of use wings and erection of two new wings on the same site to create 40 self-contained extra-care units with associated communal support facilities and infrastructure
Applicant	Mr Hensher, Lakeside Land Limited, 11a Ivor Place, London, NW1 6HS
Agent	Mr N Blythe, Nicholas Blythe Architects, PO Box 305, Tonbridge, Kent, TN11 8FX
Site Area	0.79ha
(a) -	(b) - (c) KHS/X

The Development Management Manager gave a presentation.

In accordance with Procedure Rule 9.3, Mrs Vernon, a local resident, had registered to speak in objection to the application. Her speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and is attached to these Minutes at Appendix A.

In accordance with Procedure Rule 9.3, Mrs Merrion, on behalf of Hothfield Parish Council, had registered to speak in objection to the application. Her speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and is attached to these Minutes at Appendix B.

Resolved:

(A) Grant outline permission

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.

Standard

1. Standard approval of RM condition.
2. Standard RM time limit condition.
3. Use class restriction to C2 residential

Highways and Parking

4. Construction Management Plan
5. EV charging points.
6. Parking spaces

Landscaping & Ecology

7. GCN precautionary mitigation.
8. External lighting
9. Ecological enhancements
10. Protection of landscaping

Drainage & Disposal of Foul

11. Water efficiency
12. SUDs scheme
13. Verification of SUDs
14. No infiltration into ground

Other

15. Contamination.
16. Contamination verification.
17. Unexpected contamination.
18. Piling.
19. Fibre Broadband
20. In accordance with the approved plans
21. Development available for inspection.

Notes to Applicant

1. Highway informative.
2. Piling informative from EA.
3. EA informative regarding waste.
4. Wildlife and Countryside Breeding Birds informative.
5. Code of Construction Practice informative.
6. Burning of waste informative.
7. Minimising dust informative.
8. Crime and Kent Police informative.
9. 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 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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Application Number	20/00767/AS
Location	Conley Barn, Bulltown Lane, Brabourne, Ashford, TN25 5NB
Grid Reference	607950/ 142699
Parish Council	Brabourne
Ward	Bircholt Ward
Application Description	Conversion of barn to residential dwelling (retrospective) and change of use of land to residential
Applicant	Mr P Fritz
Agent	Mr T Parrett, Rubicon Building Consultancy Ltd
Site Area	0.10ha

The Development Management Manager gave a presentation and drew Members' attention to the Update Report. She advised that a letter had been received from

neighbours requesting the imposition of various conditions, and she recommended a further condition.

In accordance with Procedure Rule 9.3, Mr Whitehouse, a local resident, had registered to speak on the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and is attached to these Minutes at Appendix C.

In accordance with Procedure Rule 9.3, Mr Parrett, the agent, had registered to speak in support of the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and is attached to these Minutes at Appendix D.

Resolved:

- (A) Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and the following conditions**
- (B) Permit 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 representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

Conditions

1. Compliance with Approved Plan
2. Materials Approved
3. Details of the boundary treatment defining the residential curtilage
4. Completion of boundary treatments between application site and Fallons
5. Implementation of Landscaping
6. Obscure glazing at first floor level on the south east elevation and north east elevations
7. Removal of PD Rights for Extensions and Alterations
8. Control of internal layout at first floor
9. Details of External Lighting
10. Retention of Vehicle Parking space
11. Bicycles storage provision
12. Biodiversity enhancements
13. Electric car charging point
14. Enforcement condition

Note to applicant**1. 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 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,
- the applicant/ agent responded by submitting amended plans which were found to be acceptable subject to conditions
- 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.

2. Residential curtilage.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

Agendas, Reports and Minutes are available on: <https://.ashford.moderngov.co.uk>

APPENDIX A

Mrs Vernon – Local Resident

Thank you for the in depth responses that has been published, however they have not taken all our points on board.

We would like the proposer to seriously consider a joint approach with Highways to help improve the image and access to Chapel Road.

- (i) The road is very narrow at the midpoint where there is a slight angle all the way to the entrance to Lakeside. This doesn't allow drivers travelling down the road to have visual of those coming towards them. There are not any passing places accept in the only parking area (within first 20m of road entrance). If indeed cars are parked at the time, lorries will need to reverse out onto the A20. The solution could be to allow residents to park in Lakeside homes during all times of demolition and construction works.
- (ii) Previously when Lakeside had works completed for drainage over Christmas. The narrowing of the road outside our property restricted the drainage trucks from passing. They needed to wait outside the narrowing while residents moved their cars. When they did squeeze passed, our front wall was struck three times causing the brick wall to be broken down. Something which has not been repaired. The solution for the drainage company was to use traffic cones to close the road off. We contacted Lakeside homes on two occasions and they did not respond. For this reason we are reluctant to just accept that they will address our concerns on goodwill. We propose that a temporary parking suspension during hours of construction traffic from the midpoint to the end of the road.
- (iii) There is two unofficial parking bays on the verge, however both are not planned Parking areas. Over the years this area has broken up and are not a safe parking area. The unstable road has washed rubble and has very deep holes. The solution is that the parking / passing place adopted as part of the road and made safe with a suitable material.
- (iv) For persons wishing to walk up and down Chapel Road, there is not a path. This is particularly important since large vehicles cannot pass pedestrians. Anyone walking up or down the road (often with dogs) will be forced to return up / down the hill or be followed by the lorry. A solution is to install a path.

Thank you.

APPENDIX B**On behalf of Hothfield Parish Council**

Lakeside Nursing Home – planning application 19/00921/AS

Hothfield Parish Council remains concerned with the impact during the construction phase on the residents of Chapel Road, Chapel Row & Lakeside

The access road to Lakeside, ie Chapel Road, is narrow (& in part, single track,) un-adopted & substandard lane. The application indicates a footway along Chapel Road that the residents of Lakeside could use, whereas, there is only a small 5m length of footpath at the junction with the A20, requiring local residents to walk along the remaining narrow uneven Chapel Road itself, with no pathway. Whilst the report indicates minimal impact on local resident, including throughout the construction phase period, we believe there is more impact on the local residents than the report indicates.

HPC proposals previously included the following points for consideration, which again, we would like to propose :

- a. Widen Chapel Rd to improve vehicular access
- b. Utilise a Grasscrete Plastic Tegular system to expand width of Chapel Rd at the pinch-point areas, for parking & enhance vehicular access.
- c. A fully integrated path to be installed throughout the entire length of Chapel road, for pedestrian safety.
- d. A traffic management scheme to be agreed to mitigate risk of collision on the junction of the A20 & Chapel road, due to slow heavily laden lorries turning onto the A20
- e. Regular road sweeping & wheel cleaning during construction, to ensure no spillage from Lakeside is dragged into Chapel Road or the A20.
- f. Any damage to Chapel Road caused by heavy construction & plant movement during construction period, be repaired & re-instated at the cost of the developer

The recent report confirms that conditions will be managed through a Construction Environment Management Plan (CEMP) to minimise the impact of the construction on the local residents. This should also take into consideration local residents' safety, throughout Chapel Road, including pedestrians. For this reason, we also propose that construction traffic in Chapel Road during the construction phase be reduced to say maximum 10mph for safety reasons & be incorporated into the CEMP.

APPENDIX C

Mr Whitehouse – Local Resident

APPLICANT COMMITTEE SPEECH (COMMENTS ON THE REVISED SCHEME)
20/00767/AS | Conversion of barn to residential dwelling (retrospective) | Conley
Barn, Bulltown Lane, Brabourne, Ashford, TN25 5NB

Dear Councillors,

Having reviewed the revised internal and external plans, the neighbours of the properties known as Fallons and Little Foord are happy to see that most of the committees comments have been taken on board and changes have been made to the proposed scheme. Whilst the large windows on the north west elevation remain and still offer a large degree of overlooking, we are willing to reluctantly accept these.

On the basis that ALL of the conditions the planning officer has outlined in her report are put in place and the final build FULLY reflects both the submitted plans for the building (internal and external) AND the landscaping scheme, we are happy to accept the revised scheme. We understand the developer will need to comply with the conditions and any change to the building or the wider use of the land would be a breach of condition, which would be enforceable.

APPENDIX D**Mr Parrett – Agent**

Planning Committee Statement:
20/00767/AS - Conley Barn, Bulltown Lane, Brabourne

This statement would like to draw the Committee's attention to the 2017 legal case, *Mansell v Tonbridge & Malling BC*¹

The Court of Appeal held in favour of Mansell, the fact that an agricultural building which already had consent for conversion under Class Q of the GPDO, could be demolished and replaced with a new house or houses, if the scheme brought forward 'potential betterments.' – For example,

- improved design
- Less visually intrusive
- better and more workable layout
- Improvements to the setting of listed buildings.
- Increased time-period to complete the build.

This notable appeal decision has underlined the ability of Class Q to represent a **'fallback position'**. In simple terms, where a site can be developed through Class Q PD rights then the planning authority must take this into consideration when dealing with an application for full planning permission.

As you are aware, Conley Barn benefitted from a PD rights for conversion in 2016. However, due to unforeseen circumstance, largely due to the extensive conversion costs, it wasn't completed in the 3yr time frame depicted by the GPDO regulations. The planning application under consideration tonight provides a scheme that enables betterments to the original scheme.

As agents to Mr Fritz, who owns the site, we would like to contest some of the issues raised by the representation from the Kent Planning Consultancy on behalf of several of the site's neighbours.

Concerning the perceived over-looking of the neighbouring property, Fallons, the separation distance between the two houses is over 21m and there is a boundary of mature trees in place and a proposed new 2m high close-boarded fence being proposed as part of these amendments.

The scheme has changed the layout of windows to follow the guidance and concerns raised at the previous committee. The provision of fixed-shut windows is common place in modern structures and an air circulation system will be installed within the building. This is a feature seen in new build flats, hotels, and office blocks. It will mean that there will be no requirement to open the windows on other elevations of the building near to the neighbours.

The proposed condition placed on the property to produce a verification report providing details on the compliance of the layout of the first floor should not be included in any decision statement. It would be impossible to police in the future should the property change ownership.

¹ *EWCA Civ 1314.*