

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **16th March 2022**.

Present:

Cllr Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Cllrs Anckorn, Chilton, Harman, Howard, Howard-Smith, Iliffe, Knowles, Meaden, Ovenden, Shorter and Sparks.

Apologies:

Cllrs. N Bell, Mulholland, L Suddards, Walder.

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

In accordance with Procedure Rule 1.2(c), Cllr Anckorn attended as Substitute Member for Cllr L Suddards.

Also Present:

Cllrs. Forest, C Suddards

In Attendance:

Strategic Development & Delivery Manager, Interim Planning Applications and Building Control Manager, Team Leader – Planning Applications, Deputy Team Leader – Strategic Applications, Planning Consultant, Principal Solicitor (Strategic Development), Member Services Officer, Member Services and Ombudsman Complaints Officer.

341 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Blanford	Made a Voluntary announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	
Cllr Harman	Declared a Disclosable Pecuniary Interest that the applicant was known to her; she left the meeting for this item.	21/01440/AS

Councillor	Interest	Minute No.
CLlr Ovenden	Made a Voluntary announcement that he was the Chair of Wye Parish Council who would be speaking at the meeting and had made no written submissions as they had been in active negotiation with the officers and applicant in the run-up to the meeting.	21/01292/AS and 21/01293/AS
CLlr Shorter	Made a Voluntary announcement that he knew the agent through his membership of an external organisation on which they both sat, but he was not a close personal friend.	21/00627/AS
	Made a Voluntary announcement that he had been the Portfolio-Holder for Planning and Development at the time when the site had been discussed, and he had been involved in a discussion about it. He abstained from voting on the application.	21/01292/AS and 21/01293/AS

342 Public Participation

The Member Services Officer advised that at this meeting registered public speakers had been invited either to address the Committee in person, or to have their speech read out by a designated Council Officer, not from the Planning Department. For this meeting, there were twelve public speakers, five of whom had elected to have their speech read out.

343 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 16 February 2022 be approved and confirmed as a correct record.

344 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	21/02219/AS	
Location	Land opposite, 1-8 Elwick Road, Ashford, Kent	
Grid Reference	00867/42465	
Parish Council	Central Ashford	
Ward	Victoria	
Application Description	<p>Reserved matters application to consider details of access, layout, scale, landscaping and appearance pursuant to Condition 1 (Approval of Reserved Matters) of Planning Permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements - Phase 2), also including information pursuant to planning conditions 5 (Materials), 9 (External Storage), 10 (External Lighting), 11 (Proposed Access), 13 (Surface Water), 15 (Bicycle Storage), 19 (HS1 Approval Process), 20 (Ecological Mitigation Strategy), 21 (Surface Water Drainage), 22 (Sustainable Drainage Scheme - in part), 23 (Foul and Surface Water Disposal), 24 (Remediation Strategy), 30 (Noise Mitigation Scheme), 33 (Archaeological Watching Brief), 35 (Sustainable Movement And Electric Charging Points), 41 (Landscape Features), 42 (Landscape Management Plan), and 45 (Schedule of the Exact Mix and Proportions of Units in the Permitted Use Classes (Class C2, C3 and C3 restricted)).</p>	
Applicant	Stanhope plc and Sunningdale Home Developments	
Agent	Savills (UK) Ltd, Embassy House, Queen's Avenue, Bristol, BS8 1SB	
Site Area	0.8ha	
(a) 201/ 2 X	(b) CACF -	(c) Ashford Access -, EA X, Env Prot. X, Street scene X, HSE R, HS1 X, KCC LLFA X, KCC Ecol -, KCC Heritage X, KH&T X, K.Pol X, Kent Fire -, KICC R, CULT X, NE -

The Deputy Team Leader – Strategic Applications gave a presentation and drew Members' attention to the Update Report. He corrected the Update Report by clarifying that the site and the frontage land, shown on the Title Plan provided, were in the Council's ownership, not the applicant's, but the issue could be resolved by the amendment to Recommendation A. The application was Phase 2 of the Elwick Place development and within the setting of the Ashford Town Centre Conservation area.

In accordance with Procedure Rule 9.3, Mr Guy Hollaway, the agent for the application, had registered to speak in support of the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix A.

One of the Ward Members attended and spoke in general support of the development of the site, but expressed concerns that the height of the proposed buildings was too great.

Resolved:

- A. Delegated authority be given to the Development Management Manager or the Strategic Development and Delivery Manager to conclude the acceptability of any further minor changes to the design of the buildings and/or layout and/or landscaping that may prove necessary in order to resolve, to their satisfaction, any remaining issues requiring resolution with the Health & Safety Executive and with Kent Council Highways and Transportation,**
- B. Subject to the applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 deed of variation agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,**
- C. (i) APPROVE the relevant conditions of the outline application and, (ii) APPROVE the reserved matters details subject of the application**

subject to the further planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and any 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.

Further conditions:

1. Details of external lighting strategy for front and side elevations of buildings
2. Details of external building signage/advertisements for front and side elevations
3. Provision of internal surface finishes (ceilings, walls and floors) for LKD and bedrooms
4. Details of cycle store security measures
5. Details of undercroft access controls
6. Details of undercroft line-marking for pedestrians and cyclists
7. Details of refuse strategy, including bin collection area
8. Details of retaining wall finishes and materials
9. Details of kinetic art feature adjacent to southern boundary
10. Details of a risk assessment to identify risks to HS1 from deliberate or windblown debris from the development
11. Details of development maintenance which could prejudice the safety, operation or maintenance of HS1

Notes

Expect applicant to liaise with Kent Police to further review how Secured By Design principles can be included in fine detail etc.

Application Number	21/00627/AS
Location	Land rear of 7-14 Harmers Way, Egerton, Kent
Grid Reference	90958/47288
Parish Council	Egerton
Ward	Weald North Ward
Application Description	Erection of 13 dwellings together with all necessary infrastructure.
Applicant	Jarvis Land Promotions Ltd.
Agent	Ian Bull Consultancy Ltd.
Site Area	1.2ha

The Interim Planning Applications and Building Control Manager gave a presentation and drew Members' attention to the Update Report, specifically the comments made in writing by the Ward Member, who could not attend the meeting, and another document which he had circulated that gave the agent's views in response to the Parish Council's comments. He recognised the strength of local feeling and comment from the Parish Council, who believed the development of the site to be in conflict with the recently-adopted Egerton Neighbourhood Plan, a view with which he did not concur.

In accordance with Procedure Rule 9.3, Mr Charles Simkins, a local resident had registered to speak in objection to the application. He was present and delivered his speech; a copy of which as submitted prior to the meeting is included as Appendix B.

In accordance with Procedure Rule 9.3, Mr Ian Bull, the agent for the application, had registered to speak in support of the application. He was present and delivered his speech; a copy of which as submitted prior to the meeting is included as Appendix C.

In accordance with Procedure Rule 9.3, Councillor Mrs Lois Tilden, Egerton Parish Council, had registered to speak in objection to the application. She was present and delivered her speech; a copy of which as submitted prior to the meeting is included as Appendix D.

Resolved:

Refuse for the following reason:

The scale of the proposed development would be disproportionate to the size of the settlement and the level, type and quality of day to day service provision currently available (especially when combined with sites already allocated or

permitted for development within the village). There are few basic day to day services in the settlement and, with the recent closure of the village shop and review of the local bus service, there are inadequate local facilities to ensure that a sustainable development is delivered and poor access to sustainable methods of transport to access a range of services elsewhere. The proposal is therefore contrary to Policy HOU5 (a) and (b) of the Ashford Local Plan 2030 (Adopted February 2019). It would also therefore be contrary to the strategic policy SP2 of the same plan.

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 on 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.

Application Number	21/01292/AS	
Location	Wye College Land and Buildings, Olantigh Road, Wye Kent TN25	
Grid Reference		
Parish Council	Wye with Hinxhill	
Ward	Wye with Hinxhill	
Application Description	Residential development of 40 dwellings with associated access road car park and open space (Re- submission of 19/1327 AS.)	
Applicant	Tele property Investments Ltd	
Agent	Union 4 Planning	
Site Area	2.02ha	
	a) 2/1R	(b)- (c) KCCH&T/X, KCCED/X, LLFA/x, KCCPROW/X EP/X,ES/R,HS/X,ABC/c/X,K F&R/XEA/X, NE/R, NHS/X KP/X, SW/R, BHS/X

The Planning Consultant gave a presentation and referred Members to the Update Report. The report made reference to the previous Appeal Inquiry outcome in 2021. She believed that, whilst the report made reference to the NPPF2019, as the Inquiry had done, any further Inquiry now against the NPPF2021 would not draw a different conclusion. She amended Recommendation (B) and also confirmed the Section 106 agreement was to include the identified highways works which the Appeal S.106 Agreement had done. The Vacant Buildings Credit offset the requirement for affordable housing.

In accordance with Procedure Rule 9.3, Mr James Ransley, a local resident, had registered to speak in objection to the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix E.

In accordance with Procedure Rule 9.3, Mr Jonathan Rowlatt, the agent for the application, had registered to speak in support of the application. He had elected to have his speech read by the Member Services Officer and it is attached to these Minutes at Appendix F.

In accordance with Procedure Rule 9.3, Cllr Richard Bartley, Wye Parish Council, had registered to speak in objection to the application. He had elected to have his speech read by the Member Services Officer and it is attached to these Minutes at Appendix G.

Resolved:

Defer to enable the recommendation to be reviewed in the light of:

- (i) Changes to the National Planning Policy Framework introduced in the July 2021 revision**
- (ii) A clearer explanation of the current relevance of the Vacant Building Credit to the provision of Affordable Housing**
- (iii) A review of the Section 106 infrastructure requirements.**

Application Number	21/01293/AS	
Location	Former A.D.A.S Offices, Olantigh Road, Wye, Ashford TN25 5EL	
Grid Reference		
Parish Council	Wye with Hinxhill	
Ward	Wye with Hinxhill	
Application Description	Demolition of offices and redevelopment with 20 dwellings and associated garages, parking and internal estate roads and open space	
Applicant	Tele property Investments Ltd	
Agent	Union 4 Planning	
Site Area	2.67ha	
(a) 1 R	(b) -	(c) KCCH&T/X,KCCE/X, KCCH/X,LLFA/X, KCCDC/X,ABCOS/X, ABCEP/X,ABCES/X, SW/R NE/R

The Planning Consultant gave a presentation and drew attention to the Update Report, regarding the provision of affordable housing.. She again confirmed the Section 106 agreement was to include the identified highways works which the Appeal S.106 Agreement had done. The asbestos contamination risk was to be dealt with by condition and under separate legislation. Regarding ecological reports, the applicant had confirmed these remained current, but should the grant of planning permission be delayed significantly by the resolution of the Stodmarsh issue, then the surveys could be required to be conducted again.

In accordance with Procedure Rule 9.3, Mr James Ransley, a local resident, had registered to speak in objection to the application. He was present and delivered his speech, a copy of which as submitted prior to the meeting is included as Appendix H.

In accordance with Procedure Rule 9.3, Mr Jonathan Rowlatt, the agent for the application, had registered to speak in support of the application. He had elected to have his speech read by the Member Services Officer and it is attached to these Minutes at Appendix I.

In accordance with Procedure Rule 9.3, Cllr Richard Bartley, Wye Parish Council, had registered to speak in objection to the application. He had elected to have his speech read by the Member Services Officer and it is attached to these Minutes at Appendix J.

Resolved:

Defer to enable the recommendation to be reviewed in the light of:

- (i) Changes to the National Planning Policy Framework introduced in the July 2021 revision**
- (ii) A clearer explanation of the current relevance of the Vacant Building Credit to the provision of Affordable Housing.**

Application Number	21/01440/AS
Location	Meadowside Farm, Scots Lane, Brabourne, TN25 6LP
Grid Reference	161286, 141754
Parish Council	Brabourne
Ward	Bircholt Ward
Application Description	Demolition of existing agricultural barn and erection of a log cabin to be used as temporary residential accommodation
Applicant	Mr Peacock
Agent	Finn's
Site Area	176.68m ²

(a) 12/10/1R (b) Parish R (c) RPL-R ESM X KCC ECO X

The Team Leader – Planning Applications gave a presentation.

In accordance with Procedure Rule 9.3, Mr Andrew Peacock, the applicant, had registered to speak in support of the application. He had elected to have his speech read by the Member Services Officer and it is attached to these Minutes at Appendix K

In accordance with Procedure Rule 9.3, Cllr William Harbottle, Brabourne Parish Council, had registered to speak in objection to the application. A copy of which as submitted prior to the meeting is included as Appendix L

Resolved:

Permit

Subject to:

- A. The applicant first submitting information to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended) to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or**

projects; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,

and

B. The Development Management Manager or the Strategic Development and Delivery Manager being authorised to impose appropriate conditions covering the following matters as necessary, and any other matters that may in his opinion require to be covered by conditions:

1. Temporary time limit (three years)
2. Compliance with plans
3. Connection with the agricultural business
4. Ecological Mitigation and Management Plan
5. Ecological Enhancements
6. Reporting of unexpected contamination
7. Foul drainage
8. Materials
9. Approved development available for inspection
10. Parking
11. Use to cease if livestock no longer kept on site.

Note to Applicant

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 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.

Application 21/02219/AS – Elwick Road, Ashford.

Mr Guy Hollaway, agent

Good evening, everyone, and thank you for the opportunity to address you. I am Guy Hollaway, Hollaway Studios, speaking as Architect in support of Elwick Place Phase 2 Reserved Matters application, on behalf of Applicants, Stanhope/Sunningdale.

As you will be aware, this application follows the successful development of Phase 1, comprising the iconic Picturehouse, new restaurants/cafés and Travelodge. It's been a challenging time for leisure schemes but, if you've been there, you will know how successful the development is and its positive contribution to the vitality of Ashford Town Centre.

Phase 2 builds on the success of Phase 1, contributing to mix of uses by providing 200 high-quality apartments that will help establish a population in the Town Centre and further enliven Elwick Road.

Outline planning permission granted in 2019, established the principle and quantum of residential development, together with relevant parameters, including height. Having been the Architecture Practice responsible for Phase 1 and Phase 2 outline, we have great pleasure in bringing forward these detailed designs. You have seen the commitment to quality in Phase 1 and this follows for Phase 2. Proposals in front of you have evolved through pre-application and post-submission discussions with your officers, Ashford DRP and statutory consultee comments, particularly HS1 and the Health & Safety Executive who provided input on fire safety. The final scheme caters for a mixed community of first-time buyers, families, up-sizers/down-sizers. The residents will benefit from outdoor landscaped courtyards, super-lounges, café and gym at street level, animating Elwick Road frontage. Further, we're meeting the car parking requirements, ensuring that all will have electric charging facilities. Residents will be provided with 1.1 parking and the Developer is committing to providing 2 physical electric cars for residents to book and share.

As you can see through Phase 1, the Client and ourselves are committed to delivering quality architecture. The scheme before you combines our innovative approach to design and commitment to sustainability, fully electric proposals with air-source heat pumps results in a scheme that will stand the test of time.

In summary, proposals comprise policy compliant, sustainable development, providing much needed housing on unused brownfield land. It is high-quality proposal that will contribute to further regeneration of Ashford Town Centre. On that basis, I encourage you to support your officers recommendation and approve the details provided in order to build on the accomplishments of Phase 1 and further revitalize the Town Centre.

Appendix B

Application 21/00627/AS – Land to rear of 7-14 Harmers Way, Egerton

Mr Charles Simkins

I live in Egerton and own Barlings, a freehold property abutting the Greensand Way footpath adjacent to North Field. Although I am the elected county councillor for Ashford Rural West I speak as a private individual and wish to clarify that I have not discussed this application with KCC officers.

This site is not in the Egerton Neighbourhood Plan formally adopted by Ashford Borough Council two weeks ago, neither is it in the Ashford 2030 Plan. It appears that officers are recommending that the application be granted as a 'windfall'. However, the NPPF clearly states that, where a planning application conflicts with an up to date Neighbourhood Plan, permission should not be granted if certain conditions apply, which they do in this case.

Maidstone Council is seeking to designate the adjacent Greensand Way as an area of Outstanding Natural Beauty throughout Kent. Any houses developed here would be visible from Stone Hill, adversely affecting the landscape. The spring line between the Greensand Way and the underlying clays has afforded good opportunities for storing water. Future construction work on this land has potential to pollute these natural water resources, including the adjoining aquifers.

The ecological survey refers to three ponds on my land which are in a 'great crested newts amber zone'. The applicant did not accept my invitation to visit these ponds in April 2021 and relied on a desktop survey. This is inadequate and gives no confidence regarding the protection of the natural environment.

This development of mostly detached houses will significantly increase traffic flow in the surrounding narrow lanes. In addition to the carports planned for each property, there will be six additional car parking places resulting in around 30 cars on the development. These, combined with the fifteen houses already agreed on the opposite side of New Road and the old people's accommodation on the Orchard Nurseries site, will result in a total of over 60 additional cars, equivalent to 120 vehicle movements a day. The resulting increase in traffic is a material consideration. It is unsustainable.

In Paragraphs 16 and 17 the officer refers to economic benefits coming to the village. As there is no longer a shop and the bus services are threatened by cuts from commercial operators and KCC it is difficult to ascertain what these would be.

If this development goes ahead Egerton would be unrecognisable. I appeal to councillors to reject the application.

Application 21/00627/AS – Land to rear of 7-14 Harmers Way, Egerton

Mr Ian Bull

This application has been the subject of positive pre-application advice from your officers and post application refinements, resulting in a recommendation that permission be granted.

The NPPF sets out a presumption in favour of sustainable development and a requirement to approve applications which accord with the adopted Development Plan, 'without delay'. In addition, where a local authority cannot demonstrate a five-year housing land supply, the 'Tilted Balance' applies.

In my opinion, this application is fully in accordance with the Development Plan, particularly Policy HOU5 of the Local Plan. This is also your officers' opinion, as set out in paragraph 16 of their report.

The scale of development is proportionate to the settlement of Egerton and the site is within easy walking distance of village services and amenities. Safe access is proposed and the development can access services by public transport, cycling and walking. The development conserves and enhances the natural environment and heritage, and is of high quality design and layout. There are no technical objections and no adverse impact on residential amenity.

I am aware of Egerton Parish Councils' objections to the application, primarily as they suggest that the application does not accord with the recently adopted Neighbourhood Plan. Your officers report confirms at paragraphs 50 - 59, that this is not the case and the proposed development is compliant with the Neighbourhood Plan.

A Neighbourhood Plan must be in general conformity with the strategic policies in the Local Plan and a Neighbourhood Plan contains non-strategic policies only. Consequently, the Strategic policies of the adopted Local Plan, including SP2 and HOU5, can not be over-ridden or set aside by the Neighbourhood Plan. Whilst the Neighbourhood Plan may identify sites to meet 'Local Needs' housing, the Strategic Policies of the adopted Local Plan, including SP1, SP2 and HOU5, remain in full force to deliver the Objectively Assessed Strategic Housing need of the Borough, including 1000 unidentified windfall dwellings.

The development proposed constitutes 'sustainable development' and fully accords with the development plan, including relevant policies in the recently adopted Neighbourhood Plan. The 'tilted balance' applies as Ashford can not demonstrate a five-year housing land supply and the site is not constrained by the 'Stodmarsh' issue. There are no technical constraints and the development will deliver both open market and affordable dwellings of high quality design and layout.

I would ask that you grant planning permission.

Application 21/00627/AS – Land to rear of 7-14 Harmers Way, Egerton

Cllr Lois Tilden on behalf of Egerton Parish Council

The officer's report is welcomed in that it confirms this proposal conflicts with Egerton's Neighbourhood Plan; that it should **not** normally be allowed; and that the Neighbourhood Plan takes precedence as it meets the criteria in the Government's Planning Framework.

This site was not in the Egerton Neighbourhood Plan for material reasons, leading to the evident conclusion there are no exceptional grounds for it, and thus results in refusal - yet the recommendation is unaccountably the opposite.

A key Government policy, recognised through Judicial Review, has the clear effect of overturning the recommendation. Housing supply policies in neighbourhood plans should not be deemed 'out-of-date' under paragraph 49 of the Government's Framework where:

- the neighbourhood plan has been part of the development plan for 2 years or less; **- which it has, adopted this month**
- the neighbourhood plan allocates sites for housing; **- which it does;** and
- the local planning authority can demonstrate a three-year supply of deliverable housing sites. – **which it can, an Inspector's report tonight quotes 4.8 years and ABC exceeds its housing delivery test.**

ABC's Plan is the one out of date. In Policy HOU5 Egerton was listed as a sustainable location - but no longer true, losing its shop and likely its bus service too. Furthermore, HOU5 is a non-strategic policy. Neighbourhood Plan policies take precedence over non-strategic policies. Following strategic direction, ABC officers worked with Egerton to ensure consistency. Egerton was encouraged to include an **appropriate** scale of local development policy allocations in its Neighbourhood Plan. This was achieved, for proven local needs, with access now secured to enable development. No more was demanded. The Neighbourhood Plan passed scrutiny, gained a 91% majority vote and was adopted.

This application, mainly over-sized, detached houses for sale, is speculative, excessive and unsustainable. It is not an exception site. It cannot possibly conserve the character of the surrounding landscape or built form of the village. It will not sit sympathetically with the natural environment. The layout and density is inappropriate for this edge of village location. This very good grade agricultural field undulates, above adjacent bungalows and houses. The scheme poses harm to residential amenity, highway safety, ecology and the vista from the Greensand Way (for which AONB status is in prospect) and to the Church.

Policies in Egerton's Neighbourhood Plan remain a material consideration to be weighed in the planning judgement. This tilts heavily to refuse the application.

Application 21/01292/AS – Wye College Land and Buildings

Mr James Ransley

Thankyou for allowing me to speak.

I am a small business owner and have been looking at available employment space for many years. I have also lived in Wye previously.

The report fails to highlight in paragraph 11 that policy EMP2 of the Local Plan applies. It does not address the issue of employment at all. I request that members read EMP2 where you will find that-

'aa' -the site is appropriate for continued use without serious impact on neighbours

'bb' -The premises are not being replaced as required

'cc' – The applicant has provided no evidence that the site has been marketed on reasonable terms.

And I can personally state that I am aware of no marketing of the premises despite actively looking for units in Ashford myself for a long period. Paragraph 7.20 of the LP requires 'robust' evidence of marketing. No evidence is not 'robust'.

Turning to the affordable housing, the Local Plan policy HOU1 requires 40% affordable from this site but there is only 5% proposed here. The difference being due to Vacant Building Credit. The purpose of VBC is to incentivise the reuse of empty **and** redundant buildings. The PPG goes on to suggest that authorities consider whether the buildings have been made vacant for the sole purposes of redevelopment. I have already argued that we have no evidence before you from the applicant to demonstrate any marketing of the properties (as is required by many boroughs when considering if VBC applies). I would also draw your attention to the existing site plan within the application. To my knowledge all of the employment units owned by the applicant south of Occupation Road are occupied and all of the units north of the road (the application site) are empty. Without any evidence to support the claim for VBC are members willing to take it purely on faith that this pattern is random and that 14 affordable units should be lost?

The application is therefore contrary to Local Plan policy EMP2 and HOU1. Both issues which neither the Borough Council nor the Parish Council raised before the Inspector and are grounds for refusal.

Members must confine their reasons in determining this application to material considerations related to the use of the land. You must not infect your decision by taking into account the resourcing implications for the planning department should your decision be appealed.

Application 21/01292/AS – Wye College Land and Buildings

Mr Jonathan Rowlatt

Good evening Members and thank you for the opportunity to address you.

As agents for the Applicant, we speak in support of the above proposal. The Occupation Road scheme before you this evening is essentially identical to that considered at Inquiry and found to be acceptable in all respects, in April 2021, other than the perceived uncertainty attached to specific aspects of the proposed drainage regime on the Stodmarsh nature conservation site, in terms of the efficacy of the proposed Package Treatment Plant system.

The only element of the scheme before you which differs from that considered at the Inquiry, is the inclusion of a small control kiosk linked to the package treatment plant, in the parking court at the northwest corner and a subsequent minor alteration to the parking layout in that court, to accommodate the kiosk.

At Inquiry, the full schedule of conditions was agreed with ABC and a section 106 agreement signed. The matter of Vacant Buildings Credit was also fully considered by the Inspector, who concluded that both the Councils' and Applicants' approach had been correct and that VBC should be applied to the existing buildings. This conclusion was reached having fully considered all comments raised and additional information provided by interested parties at the time, and again this evening.

For a significant period prior to, and since the Inquiry, the site and buildings have been maintained and secured at significant cost to the applicant and are inspected on a daily basis as part of former Wye College main campus, by onsite security.

The only outstanding matter, not agreed by the Inspector, relates to Stodmarsh and we are confident we have now provided a solution which achieves nutrient neutrality. Discussions are ongoing with Natural England to this end and we are hopeful of agreement imminently.

The Planning Inspector found in his Inquiry decision notice that the scheme achieves a high quality design and would not result in harm to the Kent Downs AONB or to the character and appearance of the area generally. It was therefore agreed that the proposals accorded with those relevant planning policies.

We trust that you will be able to support the recommendation of your officers and those matters agreed by the Planning Inspector, and agree the resolution to grant consent.

Thank you for your time.

Application 21/01292/AS – Wye College Land and Buildings

Cllr Richard Bartley for Wye Parish Council

Chairman, thank you for this opportunity to highlight inconsistencies and omissions. In 2020 this Committee resolved unanimously to object to a similar scheme, principally on grounds of its Stodmarsh impact, poor design and related harm to the AONB. At appeal, the Inspector found design matters acceptable, against NPPF2019.

The Committee Report lists the deleted NPPF2019 as a material consideration, and refers to it 27 times. It accepts the Inspector's conclusions as a given. Yet the Government published NPPF2021, after the appeal decision.

Consequently, the Report before you does not consider the new paragraph NPPF(para)110(d) "the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code"

NPPF2021 was revised to bring the new Guide and Code into force, but the Report does not list either document. Consequently, the Report does not take them into account either. Nor does it consider their new design guidance on climate change, and community resilience. This includes carbon mitigations, renewable and low-carbon energy, air pollution, solar gain and micro-climate.

NPPF2021(para)129 states: 'These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes'

NPPF2021(para)134 states: 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...'

The Design and Access Statement gives the site as '3.35ha', but the Report states '2.02ha'. The 1.33ha discrepancy is Strawberry Field the 'grazed paddock' The Inspector stated that "Strawberry Field would be retained as meadow with additional planting along its northern and eastern boundaries." On this basis he concluded that "the appeal scheme would have a neutral effect on the landscape character of the wider AONB."

However, the applicant retains 40% of the red line area for reptiles, not public benefit. Indeed, the Reptile Mitigation Strategy proposes "Information panels to discourage the public from accessing this land."

Inevitably land adjacent to housing will be used for recreation and other purposes, regardless of planning conditions, so its landscape character and function as a refuge cannot be secured. Wye has a 5.5ha green space deficit and three schools.

Worse, to secure Stodmarsh mitigations in future officers seek power to remove any obligations “as they see fit” including S106 off-site contributions for public open space.

Please defer this application, and thank you.

Application 21/01293/As Former ADAS Offices, Wye

Mr James Ransley

Thankyou for allowing me to speak.

Again, we have no evidence of marketing before you and yet Vacant Building Credit is being applied.

A further issue here is that Vacant Building Credit does not apply to buildings which have been abandoned. These issues have been the subject of a number of court judgements and it is settled that there are four issues to consider-

The condition of the property

In 2009 a structural survey of the buildings was completed and is available to members. I can summarise by saying that the buildings were then in such a poor state of repair that it was not feasible to bring the existing structure back into use. In the time since the roof has remained uncovered and the building can only have deteriorated further.

The period of non-use

Members have a copy of the invitation to the closure of the labs in 1991. A small portion of the buildings was used beyond this date but to my knowledge there has been no use since 2009.

Whether there was an intervening use

The substantial majority of the building has been vacant since the 90's and even the remaining element has been vacant for more than a decade.

Any evidence regarding the owners intention

The applicant has sought-

- the allocation of the site for residential dwellings in the Wye Neighbourhood Plan
- to use permitted development to convert the buildings into dwellings

- There was no indication in the Wye Masterplan exercise that retaining the labs use was ever a possibility

- In more than 12 years of ownership the applicant has not sought to refurbish the buildings and bring them back into lab use

- The applicant has not marketed the buildings for any employment use

In summary these buildings are an extreme case of dereliction, which have not been used for decades, without any intervening use and with no intention at all from the owner to maintain the previous use. That use has clearly been abandoned, and being abandoned the applicant cannot claim vacant building credit and avoid the provision of 8 affordable homes on this site.

Application 21/01293/As Former ADAS Offices, Wye

Mr Jonathan Rowlett

Good evening Members and thank you.

As agents for the Applicant, we speak in support of the above proposal.

The scheme before you is essentially identical to that considered at Inquiry and determined in April 2021. Through this Inquiry and as detailed in his report, the Planning Inspector found the proposed development to be acceptable in all respects, with the exception of its potential for impact on the Stodmarsh SPA.

The only element of the scheme before you which differs from that considered at the Inquiry, is the inclusion of 2 small 1.2 metre high back-to-back kiosks in the corner of the green, serving the PTP. These will be positioned behind the perimeter hedge, in an area of soft landscaping, not visible from outside and barely visible from within the green. They will be acoustically treated and controlled by a previously agreed condition, requiring the submission of acoustic information.

At Inquiry, the full schedule of conditions was agreed with ABC and a section 106 agreement signed. The matter of Vacant Buildings Credit was also fully considered by the Inspector, who concluded that both the Councils' and Applicants' approach had been correct and that VBC should be applied to the existing buildings. This conclusion was reached following full consideration of the comments raised and additional information provided by interested parties at the time of the Inquiry, and again this evening.

As part of the former Wye College main campus, the ADAS site is maintained and regularly patrolled by on site security, including daily inspections.

The only outstanding matter relates to nutrient neutrality and discussions are ongoing with Natural England to this end. It is considered that the last few remaining matters to be agreed with Natural England are minimal in number and scope and that the solution we have proposed, ensures nutrient neutrality. As such, we are confident that an agreement can be reached imminently.

The scheme before you proposes high quality housing, on a long term vacant, brownfield site. Redevelopment will enable the removal of the unattractive office building currently on site and its replacement with 20 family homes, for which there is an urgent need. This, together with the high quality design and overall positive impact on the AONB, has been supported by the Planning Inspectorate, a conclusion we trust can be upheld by committee this evening.

Thank you for your time.

Application 21/01293/As Former ADAS Offices, Wye

Cllr Richard Bartley for Wye Parish Council

Chairman, thank you for this opportunity.

The Committee Report confirms that plans and elevations submitted with 21/01293/AS are the same as 19/01330/AS. In September 2020 the Committee resolved to deem refusal of this application on grounds of its Stodmarsh impact, inappropriate dense design, overdevelopment, unsustainable form of development and consequent harm to the AONB and its character. The Inspector disagreed.

The Report before you lists NPPF2018 as a material consideration, and refers to this superseded guidance document 23 times. The Report accepts all of the Inspector's conclusions without question.

Consequently, the Report does not consider the application against current guidance in the NPPF2021, or the National Design Guide, or the National Design Code, or the Kent Downs AONB Management Plan 2021-2026. Nor therefore, in the absence of these material considerations the Report cannot guide the Committee's decision tonight.

As the application has not been updated it does not address any of the new guidance in NPPF2021. In particular, design quality, and a raft of climate mitigations. Regarding overdevelopment, the Council considered that 15 units was appropriate on this site, and that development should be confined to PDL, but the Inspector reinstated 20 units. This plan includes two 5-bed dwellings each with quadruple garages located on rising ground on Donkey Field. This is greenfield land that faces Wye Crown. The Parish Council continues to object strongly to this extension and its harm to the AONB.

New national guidance in NPPF2021 provides the Committee with several strong environmental reasons to reconsider all issues, particularly quantum, design, layout, sustainability and harm to the AONB. There is also an opportunity to reconsider the lack of affordable housing provision and other public and environmental benefits.

Highway Safety

The applicant has not agreed a S106 contribution for the proposed off-site highway improvements, speed reduction measures and the improved footway. Both KCC and the Inspector found these measures acceptable, but they are missing from this application. The Report (para 45) identifies this omission as a new reason to object.

Asbestos

The applicant has not addressed the asbestos risk, identified in the undetermined application 18/01009/AS. The slabs and demolition waste from the post-war laboratories demolished in the 1960s, remains in situ just below ground level.

Ecology

The 2018 bat, dormouse and reptile surveys found healthy resident populations of these protected species, but the surveys are out of date and not reliable.

Please defer this application and thank you.

Application 21/01440/AS Meadowside Farm, Brabourne

Mr Andrew Peacock

Good evening

My name is Andrew Peacock and my wife and I own Meadowside Farm. I have been keeping livestock for the past 8 years, albeit small numbers to start and now in the last few years I have been able to increase my livestock numbers substantially. As a result, I am requesting permission to live in a modest temporary dwelling in the form of a log cabin unit with a sedum planted roof which will be transported to the site in two sections and fixed together in the same manner as a mobile home unit and could be removed in the same way.

I listened to your advice at Planning Committee in 2020 to re-apply with a temporary dwelling whilst I continue to grow the business hence this application. My submitted accounts show that my existing and projected income levels have grown significantly from the 2020 application as I have taken on more land and have been able to grow the farm more quickly. I am trying to improve the site, reinvesting in new barn/lambing sheds for which I have planning consent. I am awaiting a further 103 lambs in this lambing season which has just commenced and am renting another 8 acres pushing us to over 70 acres. I welcome the local support that has been provided to this application from comments received online.

Having significantly increased my livestock numbers, I need to be at site to properly operate the business and look after my sheep and breeding pigs. The existing barn this dwelling will replace is untidy in appearance and my proposals to improve the farmyard visually will improve the appearance of the site from the road and the AONB.

Your officer and the agricultural advisor have not compared my latest submitted accounts to those submitted in the 2020 application. I noticed my accountant had made an error in the figures originally submitted with this 2021 application and sent in a revised copy and your officer and consultant have taken this to mean my profit and sales have reduced whereas this is in fact incorrect if you compare to my 2020 submitted figures as I have shown a significant increase.

The Nitrate calculations confirm the dwelling will be 'nutrient neutral' and therefore can be provided.

As an agricultural worker policy supports me living on site and I request you approve this application.

Application 21/01440/AS Meadowside Farm, Brabourne

Cllr William Harbottle for Brabourne Parish Council

The Parish Council considers this application to be clearly contrary to the Local Development Plan. In general policy terms, the application site lies well beyond the edge of the nearest defined settlement, meaning that the second part of Local Plan Policy HOU5 applies. For an agricultural worker's dwelling, there needs to be both an essential need to live permanently at the site, and a viable business plan. The fact that a temporary consent is being applied for does not change that policy position.

In terms of an essential need to live permanently at the site: firstly, mere convenience or a desire to do so are not enough; secondly, the applicant has not stated in the papers where he currently lives; thirdly, lambing only requires a presence on site for about 4 to 6 weeks of the year; and fourthly, the parcels of land that make up this smallholding are not all attached to the site, with some of them being located up to about 3 miles away.

In terms of a viable business plan, the Rural Planning Consultant makes clear that the information submitted suffers from a long list of issues, including the absence of any copies of certified accounts. Therefore, due to the sheer number of problems identified, we say that it cannot reasonably be concluded that a viable business plan exists in this case.

In addition to failing to meet the criteria for an agricultural worker's dwelling, we also say that the proposals would fail to conserve and enhance the natural beauty of the AONB, a view also shared by officers.

Whilst we are aware of the views of immediate residents, the fact remains that there is no clear planning justification for these proposals. Indeed, we say that to permit this application would provide an incentive for applicants to come forward with unsubstantiated proposals, a situation that would weaken the protection afforded to the countryside. We also say that the poor state of repair of the site is not a reason to construct a house on it, and that to say otherwise would simply encourage other landowners to neglect agricultural buildings.

Therefore, we agree with the view of officers and respectfully say that this application should be refused.