

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **13th December 2023**.

Present:

Cllr Blanford (Chair)
Cllr Heyes (Vice Chair)

Cllrs Betty, Brunger-Randall, Chilton, Gathern, Harman (ex-Officio, non-voting), Ledger, McGeever, Meaden, Mulholland, Roden, Spain, and Wright.

Apologies:

Cllrs Nilsson, Walder.

In accordance with Procedure Rule 1.2(c), Cllrs Meaden and Wright were in attendance as substitutes for Cllrs Nilsson and Walder respectively.

Also Present:

Cllrs. Bartlett, Hicks, Pickering

In Attendance:

Assistant Director, Planning and Development; Strategic Development and Delivery Manager; Team Leader, Strategic Applications; Deputy Team Leader, Strategic Applications; Environmental Protection and Licensing Team Leader; Senior Planning and Development Solicitor; Member Services and Ombudsman Complaints Liaison Officer; Member Services Officer.

250 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Bartlett	Declared that he served on Sevington with Finberry Parish Council and Kent County Council, both of whom had been consulted on this application.	21/01595/AS
Cllr Blanford	Declared that she was the Ward Member for this application site, and would speak as such, but not propose a motion or vote. She did so.	PA/2023/0715
	Declared that she was the Ward Member for this application site, and had previously expressed opinions. She would step down from the Chair, speak as Ward Member and would not vote. She did so.	22/00571/AS

Cllr Gathern	Made a Voluntary Announcement of Other Interests, that her husband served on the Parish Council, and that she was a friend of the Parish Councillor who had registered to speak.	PA/2023/0715 22/00571/AS
Cllr Ledger	Declared that he served on Shadoxhurst Parish Council, who had been consulted on this application, but he had not taken part in any of their discussions.	PA/2023/0715
	Declared that he served on Shadoxhurst Parish Council who had been consulted on this application, but he had not taken part in any of their discussions. As adjacent Ward Member, he had been active in discussions, and would not take part in the vote.	22/00571/AS
Cllr McGeever	Declared that, as an adjacent Ward Member, he had publicly shared his opinions on this application, and so would not take part in the vote.	PA/2023/0715

251 Public Participation

The Member Services Officer advised that 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 who was not from the Planning Department. On this occasion there were seven registered speakers, two of whom had opted in advance to have their speeches read out. One speaker present had to leave the meeting before the application was presented; the Member Services Officer read the speech on his behalf.

252 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 8 November 2023 be confirmed as a correct record.

253 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	PA/2023/0715
Location	Chilmington Green, Land to west of Chilmington Green Road, Ashford, Kent
Grid Reference	E: 598374 N: 139263
Parish Council	Great Chart with Singleton
Ward	Weald Central
Application Description	Proposed construction of a Wastewater Treatment Plant, associated landscaping, and proposed vehicular access from Chilmington Green Road
Applicant	Hodson Developments Ltd
Agent	n/a
Site Area	1.14 hectares

(a) 16 / 227 'R'	(b) Bethersden 'comment' Great Chart 'R' /Kingsnorth 'R' Shadoxhurst 'R'	(c) EA 'X' / FC 'X' / NE 'X' / KCC Ecol 'X' / KCC Flood 'R' / KCC Highways 'X' / ABC Env 'X' / RA 'X' / SW 'X' / UKP "X'
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The Team Leader – Strategic Applications gave a presentation, showing site location plans, elevation and cross-sectional diagrams, access arrangements and photographs. She asked the Committee to focus their attention on the material planning considerations of the application, which sought to mitigate the nutrient neutrality issues emanating from Phase 1 and future Phase 2 development at Chilmington. She reiterated that, should planning permission be approved, the plant could not legally operate until the Environment Agency had granted a permit to do so.

She drew Members' attention to the Update Report which contained clarification of some matters and proposed amendments to the original conditions.

In accordance with Procedure Rule 9.3, Mr Andrew Geer, local resident, had registered to speak in objection to the application. He was present and delivered his speech in person.

In accordance with Procedure Rule 9.3, Cllr Malcolm Wiffen had registered to speak in objection to the application on behalf of Great Chart with Singleton Parish Council. He was present and delivered his speech in person.

In accordance with Procedure Rule 9.3, Cllr James Ransley, had registered to speak in objection to the application, on behalf of the affected Kingsnorth Parish Council. He was present and delivered his speech in person.

The Ward Member for an adjacent affected Ward was present and spoke in objection to the application.

Resolved:

DEFER on the grounds of

- A site visit to be arranged to allow the Planning Committee to further consider the proximity of the proposed development to existing and planned homes and the retail facility at Stubbs Cross;
- Further justification to be sought from the applicant in terms of the proposed design approach in terms of its suitability related to the context of the site and the need to ensure that the proposed works could be operated in a manner

that would not give rise to matters of odour and noise impacts that would harm the amenities of existing and future occupiers in the locality;

- Concern as to the acceptability of the proposed landscaping scheme to fully screen the proposed development in the landscaping with the applicant invited to review the proposals and consider the provision of additional woodland planting;
- The matter of whether Environmental Impact Assessment applies to the proposed development to be further reviewed by Officers.

Application Number	22/00571/AS	
Location	Land north of Possingham Farmhouse, Ashford Road, Great Chart, Kent TN26 1JR	
Grid Reference	E 596682 N 140052	
Parish Council	Great Chart with Singleton	
Ward	Weald Central	
Application Description	Outline application for the development of up to 655 residential dwellings (including 30% affordable dwellings) to consider access only (excluding internal circulation routes), with all other matters reserved.	
Applicant	Hodson Development Ltd	
Agent	n/a	
Site Area	20 Hectares	
(a) 48 'R', 4 comment	(b) Bethersden 'R' Great Chart 'R' Kingsnorth 'R' Shadoxhurst 'R'	(c) NH 'R' / KCC Highways 'R' / KCC Ecol 'R' / KCC Flood 'R' / KCC Heritage 'X' / KCC ED 'X' / KCC PROW 'X' / ABC Env 'X' / ABC Hous 'X' / RA 'R' / SW 'X' / WKPS 'R' / KP 'X' / NHS 'X'.

The Team Leader – Strategic Applications gave a presentation. She showed diagrams that defined the parameters of the site and its location in regard to the

existing adjacent development, as well as proposed density plans, building heights, green spaces and SuDS. She explained the proposed access arrangements both to and within the site.

In accordance with Procedure Rule 9.3, Cllr Malcolm Wiffen had registered to speak in objection to the application on behalf of Great Chart with Singleton Parish Council. He had elected to have his speech read by the Member Services Officer.

In accordance with Procedure Rule 9.3, Cllr Keith Brannan had registered to speak in objection to the application on behalf of the affected Bethersden Parish Council. He had elected to have his speech read by the Member Services Officer.

One of the joint Ward Members was present, and spoke in objection to the application.

Resolved:

REFUSE

on the following grounds:

The application is contrary to policies SP1, SP2, SP6, HOU1, HOU5, HOU6, HOU14, HOU18, TRA4, TRA5, TRA6, TRA7, TRA8, ENV1, ENV3a, ENV6, ENV8, ENV9, ENV12, ENV13, COM1, COM2 and IMP1 of the Ashford Local Plan 2030, the Council's Climate Change Guidance for Development Management and guidance contained in the NPPF for the following reasons:

1. The development would constitute an overly dense and urban form of development that would visually encroach on the countryside and harm the landscape character of the area. The density of the development would fail to accord with the character of the permitted adjacent Chilmington Green development and would consequently harm the setting of that development. The density of the development would also result in a failure to provide a good standard of public amenity for future residents of the development.
2. The development would be located in a presently unsustainable location where future residents of the development would not have access to appropriate local services and facilities that are convenient and accessible by sustainable modes of transport.

3. In the absence of a comprehensive and robust assessment of the impact of the development on the strategic and local highway network and highway safety, the applicant has failed to demonstrate that the development would not have a severe impact on the highway network and/or an unacceptable impact on highway safety, and/or a requirement to contribute to the repayment of forward-funding secured and used by the Council to provide highway capacity at Drovers roundabout and/or M20 Junction 9.
4. In the absence of appropriate surveys and a robust assessment of the cumulative impact of development in the vicinity of the site, the applicant has failed to demonstrate that the development would not cause harm to protected species. The applicant has also failed to demonstrate that appropriate mitigation measures can be secured.
5. In the absence of appropriate information about the impact of the development on flood risk and the delivery of a sustainable drainage system as part of the development, the applicant has failed to demonstrate that the development would not result in a risk of flooding or that an appropriate sustainable drainage solution would be proposed.
6. The applicant has failed to demonstrate that public benefits would be delivered by the development that would outweigh the less than substantial harm to the setting of an adjacent listed building (Possingham Farmhouse).
7. The applicant has failed to demonstrate that the development would be resilient to, and help mitigate against, the effects of climate change.
8. The applicant has failed to demonstrate that the development would not add to the deterioration of the water quality at the Stodmarsh European designated site, thereby harming internationally-protected habitats.
9. In the absence of a legal agreement to secure planning obligations, including affordable housing provision, Building Regulations M4(2) and M4(3) compliant dwellings, custom and self-build housing, and financial contributions to mitigate the impact of the development on local services and infrastructure, together with the costs of monitoring and reporting, the application fails to secure the infrastructure and facilities required to meet the needs generated by the development.

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/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.

Application Number	21/01595/AS
Location	Waterbrook Park, Waterbrook Avenue, Sevington, Kent
Grid Reference	03385/ 40119
Parish Council	Sevington
Ward	Mersham, Sevington South with Finberry

Application Description	Reserved matters application to consider access, appearance, landscaping, layout and scale pursuant to outline planning permission 18/00098/AS for the development of 364 dwellings, a convenience/farm shop/ café building, wetland area, landscaping, open space, drainage, parking and other associated infrastructure		
Applicant	Mulberry Homes/GSE		
Agent	Ms S Innes Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH		
Site Area	13.32 Hectares		
(a) 19 R	(b) Sevington X Mersham X Kingsnorth R	(c)	ABC Refuse 'X', ABC Recreation 'X', ABC Housing 'X', ABC EP 'X', EA 'R', KCC Flood 'X', Kent Highways 'X', KWT 'X', KCC PROW 'X', Fire 'X', HSE 'X', NE 'X', NH 'X', Ramblers 'R', River Stour 'X', SGN 'X', SW 'X', SE 'X'

The Deputy Team Leader – Strategic Applications gave a presentation which outlined the location of the site and the proposed buildings and parking facilities, the proposed landscaping, access roads, public open space and the improvement of the existing Public Right of Way to a bridleway. He explained the affordable housing provision, and the proposed use of the convenience/farm shop/ café building. He drew Members' attention to the Update Report and the proposed additional planning condition.

In accordance with Procedure Rule 9.3, Cllr Rick Martin had registered to speak in objection to the application, on behalf of Sevington with Finberry Parish Council. He had elected to have his speech read by the Member Services Officer.

In accordance with Procedure Rule 9.3, Ms Sophie Innes, agent, had registered to speak in support of the application. She was present and delivered her speech in person.

The Ward Member was present and spoke to the application.

Resolved:

- (A) **SUBJECT TO** the applicant submitting information, including a Water Framework Directive Assessment, 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 his 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, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit to secure the required mitigation and any associated issues relating thereto to any planning matter,
- (B) **APPROVE** reserved matters of layout, scale, landscaping, access arrangements and appearance pursuant to outline planning permission ref 18/00098/AS in accordance with the application and plans, subject to the following conditions and notes to the applicant.

Conditions:

- 1) The list of approved plans.
- 2) Minor details of the table junction ramps and footway by-pass of the ramped carriageway area to shared space as requested by Kent Highways and Transportation to be submitted to and approved by the Local Planning Authority.
- 3) Lighting detail of the pedestrian footway to be submitted to and approved by the Local Planning Authority.
- 4) Details of the new bridleway on the west part of the site and its impact on the southern Woodland area be submitted to and approved by the Local Planning Authority.
- 5) A Flood Risk Activity Permit, , a Fish Rescue Plan and a Management Plan for the wetland to be submitted to and approved by the Local Planning Authority.
- 6) Details of extraction/treatment of fumes/odours generated from cooking or any other activity undertaken at the convenience/farm shop/ café building premises (and the rating level of noise emitted from any such plant and equipment) to be submitted to and approved by the Local Planning Authority.

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- (7) Prior to any ecological mitigation or habitat clearance works commencing, a Habitat Creation Plan to be submitted to and approved by the Local Planning Authority. The plan must provide the following information:
- Overview of habitats to be created
 - Detailed methodology to create habitats
 - Timings of works
 - Maps showing the locations
 - Management requirements to establish the habitats
 - Interim on going management plan until the management plan required under C74 has been approved.
 - Details of monitoring during establishment works.
 - Details of how the habitats will be protected.

The plan shall be implemented as approved.

- (8) The convenience/farm shop/café building to be retained for the purposes applied for and permitted development rights enabling conversion to alternative uses, including residential, to be removed.

Notes to Applicant:

1. Working with the Applicant

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- 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.
2. The Local Planning Authority requests that the applicant, working with KCC Highways, actively considers the ability to build into the highway design further traffic calming measures along Waterbrook Avenue as this has an alignment that may encourage vehicle speeds inappropriate to a new residential development which would be harmful to residential amenity as well as potentially giving rise to pedestrian safety concerns. Such measures might include use of more overt horizontal deflection measures, changes in surfacing materials and the use of subtle vertical deflection techniques such as raised tables at proposed pedestrian crossing points.
3. KCC Highways standard Informative
4. KCC PROW standard informative
5. Kent police informative on designing out crime
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