

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **14th February 2024**.

Present:

Cllr Blanford (Chair)
Cllr Heyes (Vice-Chair)

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

Apologies:

Cllr Nilsson

Also Present:

Cllrs. Bell, Mrs Bell

In Attendance:

Assistant Director, Planning and Development; Planning Applications and Building Control Manager; Team Leader – Planning Applications; Principal Solicitor (Strategic Development); Member Services Officer.

310 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Harman	Declared that she knew the agent for the application, but had offered no opinions about the application and, as ex-Officio, had no voting right.	PA/2022/3091
Cllr McGeever	Declared that he had been personally lobbied by the applicant, and so would not take part in the vote.	PA/2022/3091

311 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 three registered speakers, one of whom had asked for a statement to be read out.

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312 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 17 January 2024 be confirmed as a correct record.

313 Information/Monitoring Items

Appeals Report

The Assistant Director, Planning and Development introduced the Appeals Report. He drew Members' attention to the current approach from the Inspectorate regarding proposed development outside of the Stodmarsh catchment area, and stated that the team was keeping a watching brief on all appeal outcomes.

314 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/2022/2788
Location	Orchard Cottage, Tile Kiln Road, Kennington, Ashford, Kent TN24 9NT
Grid Reference	Easting (x) 601404; Northing (y) 145257
Parish Council	Kennington
Ward	Goat Lees
Application Description	Demolition of existing barn and redevelopment of site to provide 5no. 2 bedroom terraced houses, 5no. 3 bedroom terraced and semi-detached houses, 4no. 1 bedroom

bungalows, car barn and associated parking and landscaping

Applicant	Assistant Director Housing Sharon Williams (ABC)
Agent	Ms. Elizabeth Mitchell
Site Area	3825 sqm

The Team Leader – Planning Applications gave a presentation, showing a site location plan, which demonstrated the surrounding high-density residential nature of the neighbourhood. She showed photos of the current site condition, detailed site and floor plans, and computer-generated images of the proposed dwellings. She explained the parking provision, and the proximity and positioning of neighbouring properties. Referring to the Update Report, she stated that the barn on site had now been demolished, and gave additional clarity to the Section 106 contributions requirements. She mentioned an error in Table 1, and corrected the number of homes to be built in compliance with the building regulations M4(2) standard from 14 dwellings to 3 dwellings. Also, an Arboricultural Method Statement requirement was to be added to the list of conditions.

In accordance with Procedure Rule 9.3, Mr Neil Mackinnon, local resident, had registered to speak in objection to the application. He was not present, and had not submitted a speech to be read out.

In accordance with Procedure Rule 9.3, Mr Giles Holloway, agent, had registered to speak in support of the application. A statement submitted by him on behalf of the Housing Service was read out by the Member Services Officer.

Resolved

PERMIT

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - 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 Planning Applications and Building Control 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 any associated issues relating thereto; and,
- B. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Development Management

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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;

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Table 1

Obligation No.	Planning Detail	Obligation	Amounts (s)	Trigger (s)	Points
Ashford Borough Council Planning Obligations					
1.	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>		5 affordable rent units	To be constructed and transferred to Registered Provider before occupation of 75% of the general market units	

2.	<p><u>Accessible and Adaptable Dwellings</u> Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% [total of 3 dwellings] of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>Wheelchair accessible housing [totalling 1 number of dwellings] built in compliance with building regulations M4(3b) standards shall be provided within the affordable rented element of the scheme.</p>	<p>M4(2): 3 dwellings across the whole site.</p> <p>M4(3b): 1 number of dwellings.</p>	<p>All accessible and adaptable homes to be constructed before the occupation of any dwellings.</p>
3.	<p><u>Allotments</u> Project detail: To be confirmed</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings</p>
4.	<p><u>Children and Young People's Play Space</u> Project detail: To be confirmed</p>	<p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index Quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>

5.	<p><u>Indoor Sports Provision</u></p> <p>Project detail (off site): To be confirmed.</p>	<p>Off site: £83.36 per dwelling for capital costs (3G pitches) + £562.07 per dwelling for capital costs (sports hall)</p> <p>(capital only – contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>
6.	<p><u>Informal Natural Green Space</u></p> <p>Project detail: To be confirmed</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>
7.	<p><u>Outdoor Sports Provision</u></p> <p>Project detail: To be confirmed</p>	<p>£1050.21 per dwelling for capital costs</p> <p>£575.00 per dwelling for maintenance</p> <p>(For capital contributions - calculations are derived from the latest Sports England Calculator)</p> <p>Indexation: BCIS General Building Cost index quarter 1 of 2019</p>	<p>Upon occupation of 75% of the dwellings.</p> <p><i>(The trigger may differ depending on whether it relates to an on or off site provision)</i></p>

8.	<p><u>Quality Monitoring</u> Contribution towards monitoring, to ensure that the approach to design quality is delivered on site in accordance with the details approved as part of the planning permission, including any subsequent details approved pursuant to any conditions related to the planning permission.</p>	<p>One off payment of the following: £90.00 per dwelling Total amount capped at £350,000 in relation to development provided for by any single outline/full planning permission. Indexation: Indexation applied from the date of the resolution to grant permission.</p>	<p>Development comprising 300 dwellings or less: The total amount due will be payable on commencement of the development. OR Development comprising more than 300 dwellings: 25% of the total amount due will be payable on commencement of the development, with the remainder being payable on occupation of 50% of the total number of dwellings.</p>
9.	<p><u>Strategic Parks</u> Project detail: Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs £47.00 per dwelling for maintenance Indexation: BCIS General Building Cost index quarter 3 of 2012</p>	<p>Upon occupation of 75% of the dwellings</p>

Kent County Council Planning Obligations			
10.	<p><u>Adult Social Care</u> Project detail:</p> <p>Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi-sensory facilities and changing place facilities in the vicinity of the development.</p>	<p>£146.88 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
11.	<p><u>Community Learning</u> Project detail:</p> <p>Contributions requested towards additional equipment and resources for Adult Education Centres locally</p>	<p>£16.42 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
12.	<p><u>Libraries</u> Project detail:</p> <p>Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April 2020</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>

13.	<p><u>Primary Schools</u> Project detail:</p> <p>New education places within the Ashford North Planning Group (including the new 2FE Primary school at Conningbrook Park) and/or within the neighbouring Planning Group of Ashford East.</p>	<p>Per Dwelling £4535.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
14.	<p><u>Secondary Schools</u> Project detail:</p> <p>The provision of new secondary places at Chilmington Green and/or within the Planning Group</p>	<p>Per Dwelling £4687.00 (New Build)</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
15.	<p><u>Youth Services</u> Project detail:</p> <p>Awaiting project detail confirmation from KCC</p>	<p>£65.50 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from Oct 2016</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings.</p>

Monitoring			
16.	Monitoring Fee Contribution towards the Council's costs of monitoring and reporting.	£1000 per annum until development completed. Indexation: Indexation applied from the date of the resolution to grant permission.	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.</p> <p>PLEASE NOTE:</p> <ul style="list-style-type: none"> If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. <p>Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change.</p>			

C. 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.

1. 3-year standard condition
2. Approved Plans
3. Construction Management Plan to include but not limited to construction vehicle loading/unloading and turning facilities, parking facilities for site personnel and visitors, wheel washing facilities.
4. Localised highway condition surveys (before and after construction)
5. Bound surface (first 5m of the access)
6. Submission of material samples
7. Measures to prevent discharge of surface water onto the highway
8. Provision and retention of permanent parking spaces
9. EV Charging points
10. Cycle parking
11. Provision and maintenance of pedestrian visibility splays
12. Completion and maintenance of the access

13. Contamination (Land or groundwater)
14. Reporting of unexpected contamination
15. Foul water disposal
16. Surface Water Drainage Strategy
17. Bin Storage
18. Landscaping scheme
19. Offsite mitigation planting
20. Reveal of 100mm for the windows
21. PD rights removed [Classes A (extensions), B (Dormers), D (porches) and E (outbuildings)]
22. Obscure glazing (Plots 12 and 14)
23. Installation of fixed vertical blinds at a fixed angle to Plot 12 (first floor bedroom window)
24. Fibre optic broadband
25. Management Plan for the maintenance of the proposed biodiversity enhancements
26. Removal of the trees outside of the bird nesting season
27. Reptile translocation
28. Bat mitigation measures
29. Bat sensitive lighting scheme
30. Method Statement for Invasive Non-native species
31. Ecological management plan
32. Archaeological field evaluation, further archaeological investigation, recording and reporting, determined by the results of the evaluation, and programme of post excavation assessment and publication
33. Water butts
34. Submission of Arboricultural Method Statement

Notes to Applicant

1. Working with the Applicant
2. List of plans / documents approved
3. KCC Highways
4. Southern Water
5. Construction Hours
6. Provision of sprinkler systems in the bungalows for fire compliance.

Application Number	PA/2022/3091
Location	Land at Oaklands Farm, Pluckley Road, Hothfield, Ashford, TN26 1ER
Grid Reference	595720 (Easting) 143639 (Northing)
Parish Council	Hothfield
Ward	Weald North
Application Description	Change of use of land and construction of one agricultural dwelling, revised highways access, hard and soft landscaping and including packaged treatment plant and nutrient mitigation works.
Applicant	Mr Howard, Bockhanger Farms Limited
Agent	Judge Architects Ltd
Site Area	0.94 hectares (~2.32 acres)

The Team Leader – Planning Applications gave a presentation, showing site location plans, aerial photos, site and floor plans of the proposed development, photos showing the access roads, the rural setting and the proximity of neighbouring dwellings. She referred Members to the Update Report, which clarified the core reasons for the recommendation to refuse the application. She corrected an error in the final paragraph, changing ‘sufficient space on the site’ to ‘sufficient space within the existing farmstead’.

In accordance with Procedure Rule 9.3, Mr Peter Howard, applicant, had registered to speak in support of the application. He was present and read his speech in person.

The Ward Member was present, and spoke in support of the application.

Resolved

PERMIT

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant

Director - 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 Planning Applications and Building Control 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 any associated issues relating thereto; and,

- B. Subject to the applicant first entering into a section 106 agreement/undertaking, in terms agreeable to the Strategic Development and Delivery Manager or Development Management Manager in consultation with the Solicitor to the Council, to ensure that the development is retained in the same ownership as the farm and farmstead known as Oaklands Farm and not sold separately;
- C. Subject to such planning conditions and notes as the Strategic Development and Delivery Manager or Development Management Manager consider necessary and reasonable, including those dealing with the subject-matters identified below (but not limited to that list):-
 - 1. 3-year standard implementation condition
 - 2. Approved Plans condition
 - 3. Occupancy by agricultural worker
 - 4. Landscaping scheme
 - 5. Materials
 - 6. Highways, access and visibility splay conditions (as recommended by KCC Highways)
 - 7. Water butts
 - 8. Ecology related conditions
 - 9. Parking provision
 - 10. Solar panels
 - 11. PD rights restriction
 - 12. EV Charging points

NOTES TO APPLICANT

1. Section 106 standard statement
2. Working with the Applicant

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