

Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on **19th August 2020.**

Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Cllrs. Anckorn, Clokie, Harman, Howard, Howard-Smith, Iliffe, Ovenden, Shorter (ex-Officio, non-voting), Spain, Sparks, Walder, White, Wright.

In accordance with Procedure Rule 9.3(c) Cllrs. Spain and White attended as Substitute Members for Cllrs. Chilton and Forest respectively.

Apologies:

Cllrs. Chilton, Forest.

Also Present:

Cllrs. Bell, Ledger, Wedgbury.

In Attendance:

Head of Planning & Development; Development Management Manager; Strategic Applications Team Leader; Senior Planning Officer; Planning Consultant; Principal Solicitor (Strategic Development); Member Services Manager (Operational); Member Services Officer; Member Services and Ombudsman Complaints Officer.

38 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.	
	Declared that she was the Ward Member for the application. She had not expressed any views, so she would speak on this item and remain in the meeting for the entirety of the item.	42 – 18/01550/AS
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	

	Declared that he had stated his views many times publicly on the application so his views were well known. He would hand the chairmanship of the meeting over to the Vice-Chairman for this item, make a statement as Ward Member and exit the meeting for the entirety of the item, which he did.	42 – 19/00997/AS
Clokie	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	
Harman	Declared an Other Significant Interest as she knew the applicant and was close friends with an immediate neighbour. She would withdraw from the meeting for the entirety of the item, which she did.	42 – 19/01540/AS
Howard	Declared that he had worked with the applicant as the Ward Member, and had discussed the application with the Parish Council. However, he had endeavoured to keep an open mind so would take part in the discussion on the item.	42 – 19/01540/AS
Shorter	Declared an Other Significant Interest as he was a Board Member and Charitable Appointee for the Chilmington Management Organisation. He would make a statement in that capacity and exit the meeting for the entirety of the item, which he did.	42 – 18/01550/AS
Sparks	Made a Voluntary Announcement that a neighbour of the application site had been his doctor some years ago, but there was no recent connection.	42 – 19/00997/AS
Walder	Declared an Other Significant Interest as she was a longstanding friend of the owner of Martello Developments, one of the applicants.	42 – 19/00997/AS
Wedgbury	Made a Voluntary Announcement in writing, as he was unable to speak, that he was a member of the Fire Brigades Union and the Union of Shop, Distributive and Allied Workers.	
	Likewise declared that he was a Member of Kingsnorth Parish Council.	42 – 20/00277/AS

39 Public Participation

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

40 Requests for Deferral/Withdrawal

The Development Management Manager withdrew item 19/00505/AS – Greenacres Farm Fishery, Sissinghurst Road, Biddenden – from the agenda for this meeting. She advised that Officers had concerns about the reasonableness of the recommended conditions 9, 10 and 11 in relation to movements to and from the site for both the holiday let and family accommodation, the subject of this application. A deferral was sought to allow for further consideration of this matter.

41 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 15th July 2020 be approved and confirmed as a correct record.

42 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	19/01540/AS
Location	Land rear of Minnis Moor Stables, Scots Lane, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt Ward
Application Description	Demolition of existing agricultural barn and erection of a detached dwelling for agricultural worker with associated parking
Applicant	Mr Peacock
Agent	Finn's
Site Area	176 sqm
(a) 1 / 3R 1G & 6-S	b) Parish Council – R (c) ESM X & RPL - R

The Planning Consultant gave a presentation on this application.

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

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

Resolved:

Refuse

The proposal is contrary to policies SP1, SP2, SP6, HOU5, HOU15, ENV3b of the Ashford Local Plan 2030, Central Government guidance contained in the National Planning Policy Framework and National Planning Policy Guidance and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

- The proposed development, which lies outside of the built confines of any identified settlement, with no overriding justification having been submitted, would give rise to an unsustainable new dwelling in the countryside which would result in the over reliance on the private modes of transport to access basic everyday shops and services, contrary to the core principles of the

Local Plan and the National Planning Policy Framework which seek to promote sustainable development in rural areas and avoid isolated homes in the countryside.

- The proposal, by reason of the siting, design and the domestication of the plot, would constitute a visually harmful form of development detrimental to the rural character and appearance of the site and would fail to conserve or enhance the Area of Outstanding Natural Beauty.
- In the absence of a dedicated private garden the proposal would constitute overdevelopment of the plot and result in a poor standard of amenity for future residents to the detriment of their residential amenity.

Note to Applicant

1. Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive 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 informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters. and provided the opportunity to amend the application or provide further justification in support of it.
 - 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	19/00997/AS	
Location	Land between Doctors Surgery and 80, The Street, Appledore, Kent	
Grid Reference	160717	
Parish Council	Appledore	
Ward	Isle of Oxney Ward	
Application Description	Proposed development of 12 new two storey dwellings consisting of 8 x 3 bed properties and 4 x 4 bed properties with associated parking, gardens and landscaping works including a proposed village planted linear park and pedestrian crossing.	
Applicant	Appledore Parish Council in Association with Martello Developments, Land Adjacent to 80 The Street, Appledore, Kent.	
Agent	The Creative Centre New Road Rye Kent TN317LS	
Site Area	0.84 hectares	
(a) 26/5R	(b)	(c) HM X, KCC Ecology X, KCC DCU, KCC flooding X, KHS X, KCC PROW, Ramblers X, SW X, POL X

The Vice-Chairman took over the Chairmanship of the meeting for this item.

The Senior Planning Officer gave a presentation on this application, and also advised Members that suitable minor amendments had been received to the internal layouts to plots 12 and 11 that satisfactorily dealt with the overlooking issue. There was no change to the form and siting of the dwellings shown in the report.

In accordance with Procedure Rule 9.3, Appledore Parish Council, had registered to speak in support of the application. Their speech was read to the Committee by the Member Services Officer and this is attached to these Minutes at Appendix C.

Resolved:

- (A) Subject to the amendments in respect of Plot 12 to show an acceptable detailed site planning relationship with Plot 11 as agreed by the Strategic**

Development and Delivery Manager or Development Management Manager 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 Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

TABLE 1

	Planning Obligation		
	Detail	Amounts (s)	Trigger Points (s)
1	<p><u>Informal/Natural Green Space</u></p> <p>The developer is to contribute towards the Linear Park proposal for Appledore village, as detailed in the application. Once this has been costed, any outstanding contribution is to contribute towards provision of new public open space at Heathside.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
2	<p><u>Local Highways</u></p> <p><i>The provision of the southern access road to the boundary of the site and is made available to the public to use as if it were dedicated as highway in accordance with the approved plans</i></p>	<p>A highway access link to the southern part of S26. ABP 2020 Site allocation</p>	<p>On first occupation of the approved dwellings</p>
Applies to sites of 10 dwellings or more or 0.5ha or over			
3	<p><u>Affordable Housing</u></p> <p><i>5 dwellings</i></p> <p>10% of the total dwellings should be made available for</p>	<p>1 affordable rent units</p> <p>4 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market</p>

	<p>affordable or social rent, and 30% of the total dwellings made available for affordable home ownership (of which 20% of the total dwellings should be shared ownership).</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, or (in the case of the Affordable Rent unit) the Parish Council which shall enter into a nominations agreement with the Council. The Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent unit to be let at no more than 80% market rent and in accordance with the nominations agreement.</p> <p>In accordance with table within Policy HOU1</p>		<p>dwellings. The Parish Council to provide affordable units</p>
Applies to sites of 11 dwellings or more			
	Planning Obligation		
	Detail	Amounts (s)	Trigger Points (s)
4	<p><u>Allotments</u></p> <p>Specific Project:</p> <p>The Parish Council have identified a project to improve the existing allotment site, with a water supply and rabbit-proof fencing.</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
5	<p><u>Cemeteries</u></p> <p>The Parish Council would like to use funding to</p>	<p>£284 per dwelling Capital contribution for off-site provision</p>	<p>Upon occupation of 75% of the dwellings</p>

	undertake feasibility options into increasing provision in the parish, as there is currently a deficit per head of population.	£176 per dwelling for maintenance	
6	<p><u>Children's and Young People's Play Space</u></p> <p>The Parish Council have identified a project to provide new play space at Heathside.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
7	<p><u>Community Learning</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Towards additional resources for the new learners generated from the development attending Tenterden Adult Education Centre</p>	£34.45 dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
8	<p><u>Libraries</u></p> <p>Towards additional bookstock for Tenterden library for the new borrowers generated by this development</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
9	<p><u>Outdoor Sports Pitches</u></p> <p>The Parish Council have identified a project to improve the existing hard court MUGA and add a 3G Artificial Turf Pitch</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
10	<p><u>Strategic Parks</u></p> <p><i>Applies to developments of 11 dwellings or more</i></p>	£146 per dwelling for capital costs	Upon occupation of 75% of the dwellings

	Project: Specific Hub projects (COM2): Discovery Park Conningbrook Park	£47 per dwelling for maintenance	
11	<u>Accessible Homes Head</u> Accessible Housing At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard. In accordance with policy HOU14 part	Provide on-site 20% of all units.	Prior to first occupation of any dwelling comprised within the Development Prior to the first occupation of any dwelling comprised within the Development
12	<u>Youth Services</u> <i>Applies to developments of 11 dwellings or more</i> Project: Towards Youth resources in Tenterden	£27.91 per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
13	Adult Social Care Project: Towards extra care housing	£146.88 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
Applies to all			
14	<u>Monitoring Fee</u> <i>Applies in all cases</i> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1,000 one-off payment	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p>Notices 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 legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

(C) Permit

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Submission of Materials
4. Landscaping scheme and maintenance
5. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
6. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
7. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
8. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.
9. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
10. Bat lighting plan
11. Biodiversity plan
12. Details SUDS systems and maintenance
13. Details of sewerage disposal
14. Archaeology
15. Arboriculture method statement
16. Tree protection plan.
17. Lighting details,

Note to Applicant

1. S106
2. PROW diversion

3. Applicant to ask KCC about PROW diversion east of plot 1 parking
4. Indemnity agreement for refuse vehicles
5. 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,
- add a brief statement as to how the applicant/ agent responded to our initial contact, and if appropriate, how we dealt with the case thereafter? ie. "...the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused..."
- 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	18/01550/AS
Location	The Gables, Mock Lane, Great Chart, Ashford, Kent, TN23 3DS
Grid Reference	597473/140666
Parish Council	Great Chart with Singleton
Ward	Weald Central

Application Description	Construction of 39 apartments, comprising of 21 one-bedroom, and 18 two-bedroom units, with associated provision of new roads, footpaths, car parking spaces, landscaping and private amenity space (amended application to include access from Mock Lane and associated highway improvements).		
Applicant	Hodson Developments Ltd		
Agent	N/A		
Site Area	0.37 hectares		
	a) 25/2'R'	b) Great Chart with Singleton 'R'; Kingsnorth 'X'; Shadoxhurst '-'	c) KCC H&T 'X'; KCC PRoW ' SW 'X', EA '-'; CMOPWG 'S' ABC ES 'X' KCC EAS 'X'

The Strategic Applications Team Leader advised Members that several last minute planning conditions had been received from Kent Highways, to be added to the recommendation and these included a construction management plan, a highway condition survey for Mock Lane before and after construction, the retention of the car and cycle parking spaces on site and measures to prevent discharge of surface water onto the highway. The Strategic Applications Team Leader gave a presentation on the application.

Resolved:

- A) The applicant first entering into a section 106 agreement/undertaking in respect of planning contributions detailed in Table 2 (and any section 278 agreement so required), in terms agreeable to the Head of Strategic Development and Delivery in consultation with the Director of Law and Governance, with delegated authority to the Head of Strategic Development and Delivery to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit.**

TABLE 2 – HEADS OF TERMS FOR SECTION 106 AGREEMENT

	Planning Obligations		
	Detail	Amounts	Trigger Points
1.	ABC – Monitoring Fee – Contributions towards the Council's costs of monitoring	£500 per annum until the development is completed.	First payment on the commencement of the development

	compliance with the agreement or undertaking		and on the anniversary therein subsequent years
2.	ABC – Affordable housing – On-site provision in accordance with policy CG18 of the Chilmington Green Area Action Plan and adopted Local Plan policy HOU1	30% affordable housing (10% for affordable or social rent, and 20% for affordable home ownership) 12 units - affordable housing of which: 10% shall be secured for affordable/social rent and 20% for affordable home ownership, and where 10% shall be reserved for shared ownership. This equates to 4 units for affordable/social rent and 8 units for affordable home ownership, where 4 units shall be allocated for shared ownership	Prior to first occupation – units transferred to appropriate registered affordable housing provide.
3.	ABC – Outdoor Sports – Contribution towards outdoor sports pitch provision at Ashford, to be targeted toward quantitative or qualitative improvements at the ‘hubs’ identified in the Local Plan 2030 Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030.	Capital and Maintenance total contribution for off-site provision - £28,320 This consists of: Capital sum - £10,777 Artificial Grass Pitches (3G) - £2,183 maintenance sum for the development (10 years) – £15,360	Trigger for payment to be prior to occupation of the 25 th unit of the development.
4.	ABC – Indoor Sports – Contribution towards indoor sports provision at Ashford, to be targeted toward quantitative or qualitative improvements at the ‘hubs’	Capital contribution total - £28,266 This consists of: Changing Room - £15,024	Trigger for payment to be prior to occupation of the 25 th unit of the development.

	identified in the Local Plan 2030 Calculations derived from the latest Sports England Calculator, as prescribed in Policy COM2 of the Local Plan 2030	Sports Halls -£13,242	
5.	ABC – Strategic Parks Capital contribution towards provision of <i>Discovery Park</i> Management and maintenance of <i>Discovery Park</i>	Capital contribution for off-site provision - £4,151.88 Commuted maintenance sum for the development - £1,336.56	Trigger for payment to be prior to occupation of the 25 th unit of the development
6.	ABC – Informal/natural greenspace: Off-site contribution to be targeted towards nearby informal/natural greenspace.	Capital contribution for off-site provision - £12,341.88 Commuted maintenance sum for the development - £9,242.19	Trigger for payment to be prior to occupation of the 25 th unit of the development
7.	ABC – Play provision Provision of play facilities off-site.	Capital contribution for off-site provision - £18,455.94 Commuted maintenance sum for the development - £18,854.06	Trigger for payment to be prior to occupation of the 25 th unit of the development.
8.	KCC – Primary Education Contribution towards new primary school at Court Lodge or alternative provision in the planning group.	Total contribution of £22,680.00	Trigger for payment to be prior to occupation of the 25 th unit of the development.
9.	KCC – Secondary Education Contribution towards new school provision at the Chilmington Green secondary school or alternative provision in the planning group.	Total contribution of £23,400.00	Trigger for payment to be prior to occupation of the 25 th unit of the development.

10.	KCC – Youth Services Towards additional resources for the Ashford Youth service or equivalent outreach programme.	Total contribution of £2,554.50	Trigger for payment to be prior to occupation of the 25 th unit of the development.
11.	KCC – Library services The provision of additional library books.	Total contribution of £2,162.55	Trigger for payment to be prior to occupation of the 25 th unit of the development.
12.	KCC – Social Care Towards increasing capacity at the Braethorpe Wellbeing Centre (Ashford Day Centre)	Total contribution of £5,728.32	Trigger for payment to be prior to occupation of the 25 th unit of the development.
13.	ABC – Art provision Contributions for public art provision within the Town Centre, including the ‘Ashford Giraffes’ project.	Total contribution of £9,623.45	Trigger for payment to be prior to occupation of the 25 th unit of the development.
14.	ABC – Voluntary sector provision Contribution towards voluntary groups active within the Town Centre Area	Total contribution of £2,474.06	Trigger for payment to be prior to occupation of the 25 th unit of the development.
15.	Governance of public or community space and facilities onsite Developer to use best endeavours to put in place arrangements with CMO to integrate the development into the wider Chilmington stewardship, community development and maintenance regime operated by CMO, and unless agreement is not reached with CMO, to ensure that each occupier enters into a Rentcharge Deed with CMO accordingly.in accordance with and adopted Local Plan policy IMP4	The development to sign up to the principles and approaches of Chilmington Green, including parity of Rentcharge costs with other dwellings; The Developer to pay all reasonable CMO legal fees;	Prior to commencement of the development on site. Continue efforts to achieve agreement with CMO during construction on site. Agree Rentcharge Deed to be used prior to first marketing of any dwellings on site. Put in place

	If agreement is not reached, the developer to demonstrate reasons why, and that sufficient alternative arrangements are in place for any public facilities that may exist on site.		approved Rentcharge Deed on or before occupation of each dwelling.
16.	Accessible Housing At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.	Provide on-site 20% of all units.	Dwellings required to be built in accordance with the standard to be approved prior to construction commencing. Prior to first occupation of 50% of the dwellings not required to be built in accordance with the standard.
17.	Community Learning Towards additional resources for the new learners generated from the development attending within the Ashford borough area.	Total contribution of £680.38	Trigger for payment to be prior to occupation of the 25th unit of the development.
18.	Allotments Towards additional provision and improvements within the local area of the development as identified by the Parish Council.	Capital contribution for off-site provision - £7,336.88 Commuted maintenance sum for the development - £1,876.88	Trigger for payment to be prior to occupation of the 25th unit of the development.
<p>Notices 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 legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>			

B) PERMIT

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions which have been reviewed and agreed with by the applicant.

Conditions

1. Standard time condition;
2. Development carried out in accordance with the approved plans;
3. Materials to be agreed;
4. Construction Management Plan/Statement;
5. Biodiversity Management Plan;
6. Lighting design strategy;
7. Boundary treatment/protection;
8. Replacement/new hedgerow;
9. Landscape Management Plan;
10. SUDS/Drainage;
11. Traffic Regulation Order
12. Parking provision;
13. Parking Management Plan;
14. Electric charging points;
15. Details and hard and soft landscaping works;
16. Carbon neutral off-setting;
17. Provision and retention of secure cycle parking and bin storage;
18. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
 - I. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - II. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

19. No development (except for demolition/ site clearance) shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon Drainage Strategy Report by Vectos (August 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

20. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and

neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

21. Water use of dwelling no more than 110 litres per person per day;
22. Broadband;
23. Development to be made available for inspection;
24. Monitoring
25. List of approved drawings and documents
26. The submission of a Construction Management Plan;
27. Before and post construction of the development, the undertaking of highway condition surveys for Mock Lane;
28. Provision of measures to prevent the discharge of surface water onto the highway from the visitor parking bays and the site access;
29. Provision and permanent retention of car parking spaces and turning space shown;
30. Provision and permanent retention of cycle parking spaces and turning space shown;

Note to Applicant

1. S106
2. Working with the Applicant
3. KCC as Leading Flooding Authority advise that through technological advances the surface water discharge rate of 2/litres/second/ha should be able to be bettered and the applicant is invited to do explore this matter further in moving to a detailed SUDs scheme to be submitted for approval pursuant to planning condition.
4. The applicant is advised that Policy ENV7 of the ALP 2030 requires a maximum water consumption of no more than 110 litres per person per day and this standard subject of planning condition needs to be met.
5. The applicant is expected to explore a range of measures at detailed design stage to ensure that the development minimises its impacts on climate change and should seek to create a carbon neutral development.
6. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a

statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation

(web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

7. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
8. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development;
9. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Application Number	19/01477/AS
Location	Little Greenacres Meadow, Sissinghurst Road, Biddenden, Ashford, Kent, TN27 8EH
Grid Reference	584314 138536
Parish Council	Biddenden
Ward	Biddenden

Application Description	Change of use of stables for ancillary accommodation and for storage in connection with applicant's business. Stationing of log cabin mobile home for gypsy family (part retrospective).
Applicant	Mr Beany
Agent	The Rural Planning Practice
Site Area	0.1 hectares
(a) 1/ 43/S 6R	(b) Parish Council – S (c) KCC ECO/ X

The Planning Consultant gave a presentation and drew Members' attention to the Update Report. Biddenden Parish Council had now indicated support for the application.

In accordance with Procedure Rule 9.3, Ms Izzard, a local resident, had registered to speak in objection to the application. Her speech was read to the Committee by the Member Services Officer and this is attached to these Minutes at Appendix D.

The Ward Member attended and spoke on the application.

Resolved:

Permit

Subject to the following Conditions and Notes:

(with delegated authority to either the Strategic Development and Delivery Manager or the Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. Standard time condition
2. Plans
3. Gypsy status condition
4. Stables to be used for ancillary accommodation only
5. Restrict to no more than 1 mobile log cabin and 1 tourer
6. No commercial activity
7. No vehicles over 3.5 tonnes parked
8. Landscaping
9. Ecology enhancements
10. Boundary treatment
11. Sewerage
12. No external lighting
13. Site shall be available for inspection

Note to Applicant

1. Working with the Applicant

Application Number	20/00277/AS
Location	23 Bridleway Lane, Kingsnorth, Ashford, Kent, TN23 3LN
Grid Reference	771904/803013
Parish Council	Kingsnorth
Ward	Park Farm South Ward
Application Description	Change of Use of Land to residential garden space and erection of fence on boundary
Applicant	Mrs Clarie Tutt, 23 Bridleway Lane, Kingsnorth, Ashford, TN23 3LN
Agent	Mr Michael West. 16 Castle Street, Dover, CT16 1PT
Site Area	0.8ha

Initial Consultation

(a) 15/2S (b) R (c) KCC BIO X

Second Consultation

(a) 15/1S (B) X (c) KCC BIO X

The Development Management Manager gave a presentation on the application.

The Ward Member was unable to access the meeting at this point and a speech in objection was read out on his behalf by the Member Services Officer.

Resolved:

Refuse

The proposal is contrary to policies SP1 and SP6 of the Ashford Borough Local Plan 2030 and Central Government Guidance contained in the National Planning Policy Framework, and would therefore be contrary to interests of acknowledged planning importance for the following reason:

- 1. The change of use of the land and the introduction of a fence in close proximity to the footpath would introduce an urbanised form of development that would be at odds with the rural feel of the Park Farm development. The visual amenity of the locality would be compromised as a result.**

Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

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

APPENDIX A**Planning application 19/01540 – Land rear of Minnis Moor Stables**
Ms Scott – Agent - Supporting

Local Plan Policy HOU5 and Paragraph 79 of the Framework both support accommodation to meet an essential need for a rural worker to live permanently at their place of work in the countryside. The proposal clearly falls within the second part of Policy HOU5, yet your Officer has incorrectly applied the sustainability criteria under the first part of the Policy, which is not applicable and incorrect in this instance.

The dwelling is to accommodate the Applicant and his family, who have developed a sheep flock over some 7 years. The numbers of ewes and lambs, now exceeding 100, have reached a level where the Applicant needs to be at site for an increased period of time, especially during lambing, and living off site is no longer sustainable, resulting in a functional need for the Applicant to reside on the site.

Supporting financial information has been provided which shows income and investment in the site and flock and projected figures that are increased with additions to the flock.

This proposal seeks a modest single storey dwelling to replace a large unsightly barn that has deteriorated due to age, to a position where its use on the holding is diminished. The dwelling is to meet functional need for the holding and an agricultural occupancy condition would be expected.

The new dwelling will significantly improve the appearance of the site within the AONB, contrary to your officers views, which do not take into account the changes in land levels between the application site and the field which rises significantly to the rear, screening much of the dwelling and its garden from wider views. Cars and vehicles are already at site daily and the site already has lighting. The proposals will not introduce these matters as new issue as suggested to you.

The lack of a designated family garden area is seen by your officers as a reason to refuse, quoting Policy HOU15. This Policy states the standard is 'flexible' on sites such as this where there is no overlooking, just suggesting provision of a sufficient area of private outdoor space. Farm holdings often have an overlap of space between the functional and private areas with no delineation. Children within our farming communities grow up with the advantage of involvement in daily farming family activity and are not confined to a defined garden. The whole site is private and offers more than enough space.

APPENDIX B

**Statement by Brabourne Parish Council in objection to application
19/01540/AS – Land rear of Minnis Moor Stables, Scots Lane, Brabourne.**

The Parish Council believes that the losses and relatively low profit levels do not demonstrate that the applicants are primarily engaged in agriculture. In addition, the nature of the agricultural activity in question does not, in our view, give rise to any essential functional need to reside permanently at this site. The Parish Council therefore considers that the construction of a rural worker's dwelling is not justified in this case and maintains its objection to the application. The site is outside a settlement boundary and should be assessed against policy HOU5. It is also noted that this site lies within an AONB.

APPENDIX C**Submission to Ashford Borough Council Planning Committee by
Christopher Vane, Vice Chair, Appledore Parish Council
on behalf of Appledore Parish Council****Land between Doctors Surgery and 80 The Street Appledore****Planning Application 19/0997/AS**

This site is designated within the Ashford Local Plan 2030. The proposal has been recommended for approval by all statutory consultees and the Ashford Housing and Planning Officers.

The application was deferred for clarification of details at the June Committee meeting. These have been answered with reports submitted and agreed by the Planning Officer.

In brief:

Impact of adjacent trees

An impact assessment has been completed. The Ashford Borough Council Tree Officer supports the assessment and has recommended approval.

Public Right of Way

The proposed PROW diversion has been drafted by the KCC PROW Officer. The diversion is not part of this planning application and can only be dealt with post planning.

SUD's Area

The SUD's area is located as prescribed in the site allocation. Access will be via plots 9-12. These plots will pay for maintenance and upkeep, each plot has ample access from the road to the area.

Since deferral a specialist SUD's maintenance contractor has submitted a summary note detailing how the area will be accessed and maintained. The KCC SUD's team have reviewed and recommended approval of the scheme.

Appledore Parish Council have made a conscious decision that plots 9-12 assume responsibility for the area. The maintenance and public liability cost would significantly outweigh the amenity value of public access. Appledore recreation ground is within 50 metres of the site and residents will be able to access it safely via the pedestrian crossing included within the proposal.

In case of possible misunderstanding and to ensure clarity we would draw attention to some additional points:

Drawing 00718-PL-151_REV B

This drawing does not indicate access to the Balancing Pond across adjacent land. No access is proposed, or required through adjacent land for any element of this planning application.

Foul water drainage

Southern Water have inspected the main sewer in Appledore and jet cleaned it to improve flow and restore full operating capacity.

Southern water have been consulted on the application and will increase capacity prior to occupation of the houses.

Housing Density

The proposed housing density on the site is lower than indicated in the Ashford Plan. This is a high quality, carefully considered development, which has the overwhelming support of our community. It will deliver significant benefits for Appledore, our residents and the environment. and we ask for it to be approved.

Christopher Vane
Vice Chair Appledore Parish Council
For and on behalf of Appledore Parish Council

APPENDIX D**19/01477/AS – Little Greenacres Meadow, Sissinghurst Road, Biddenden
Ms Izzard – Local Resident - Objecting**

In relation to the planning report 19/01477/AS (section 25), it is not clear of the due diligence undertaken to ensure that the application can be considered to fit under the definition of travellers in PPTS 2015 Planning policy for planning purposes. The applicant as per their own admission (in application) has lived permanently, i.e. a settled existence in Oakhurst, Tenterden Road, Biddenden, TN278BJ which was sold in October 2019 (12 years). Instead the report states gypsy status is undisputed. Request is for the correct due diligence to be carried out/included in report pre planning decision to ensure fit with PPTS 2015 definitions.

Secondly, the Ashford Gypsy and Traveller Accommodation Assessment Update Paper 2016 Section 1.3 requires details the PPTS now requires local authorities to qualify the nomadic habits of travellers, consider whether they have previously been nomadic, why they have stopped and when and if they may start again. Applications for sites for those who do not meet the new definition of a traveller (pitches for those who do not travel or want to stop permanently) must now be considered using the mainstream planning policies of the NPPF and Local Plan policies as would be the case for any other planning application.

Thirdly, section 25 of the planning should be stricken from the planning decision. As noted above the applicant has lived permanently in Biddenden for a number of years, with the previous property (Oakhurst) being closer to bus stops for access to schools in both Biddenden and Tenterden, as well as local access to the village of Biddenden for medical purposes.

Finally, the report includes nothing on intentional unauthorized development as the Beaney family are currently living onsite without planning permission. The planning policy statement issued with PPTS 2015 (and confirmed by Ministerial Statement13) makes clear that if a site is intentionally occupied without planning permission this would be a material consideration in any retrospective planning application for that site.