

## Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **8<sup>th</sup> December 2021**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Cllrs. Bell (ex-Officio, non-voting), Chilton, Clokie, Harman, Howard, Howard-Smith, Iliffe, Meaden, Mulholland, Ovenden, Shorter, Sparks, C. Suddards.

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

### Apologies:

Cllr. Anckorn.

### Also Present:

Cllrs. Bartlett, Pickering.

### In Attendance:

Head of Planning and Development; Strategic Development and Delivery Manager; Principal Solicitor (Strategic Development); Member Services Officer; Member Services and Ombudsman Complaints Officer.

## 204 Declarations of Interest

| Councillor | Interest   | Minute No.           |
|------------|--|----------------------|
| Blanford   | Made a Voluntary announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.               |                      |
| Clokie     | Made a Voluntary announcement that he was a Member of the Weald of Kent Protection Society.  |                      |
| Howard     | Declared that he had already made comments on the application and had a prejudicial interest. He would leave the Chamber for the item, which he did. | 207 –<br>21/01173/AS |

|         |   |                      |
|---------|---|----------------------|
| Meaden  | Made a Voluntary Announcement that he was a Member of the Campaign to Protect Rural England.  |                      |
| Ovenden | Declared that he was a member of Wye Parish Council who had objected to the application. However, he had played no part in formulating the objection. | 207 –<br>21/00306/AS |

## **205 Public Participation**

The Member Services and Ombudsman Complaints Officer advised that at this meeting registered public speakers had been invited either to address the Committee in person, or to have their speech read out by a designated Council Officer, not from the Planning Department. On this occasion there were ten public speakers, six of whom had elected to have their speeches read out by a Council Officer. The other four speakers were in attendance at the meeting and delivered their speeches in person.

## **206 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 10<sup>th</sup> November 2021 be approved and confirmed as a correct record.**

## **207 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 '-'**

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|                                |  |
|--------------------------------|--|
| <b>Application Number</b>      | <b>20/00711/AS</b>   |
| <b>Location</b>                | <b>Swanton House, Elwick Road, Ashford, Kent, TN23 1NN</b>   |
| <b>Parish Council</b>          | <b>Central Ashford</b>   |
| <b>Ward</b>                    | <b>Victoria</b>  |
| <b>Application Description</b> | <b>Demolition of existing building and erection of two buildings comprising 34 apartments with associated access, parking and landscaping.</b> |
| <b>Applicant</b>               | <b>A Better Choice for Property Development Ltd c/o agent</b>  |
| <b>Agent</b>                   | <b>Mrs Emma Hawkes, DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, ME14 3EN</b>   |
| <b>Site Area</b>               | <b>0.26ha</b>  |

|            |            |  |
|------------|------------|--|
| (a) / 15 R | (b) CACF R | (c) Ashford Access X, Env Prot. X, Street scene X, Culture X, UKPN X, NR X, Kent Fire X, Ashford College X, HE X, KCC Ecol X, KCC Dev Contribs X, KCC Flooding X, KCC Heritage X, KH&T X, K.Pol X, NHS X, Baby Memorial Charity X, Boyer Planning R, |
|------------|------------|--|

Amends 1

|           |            |  |
|-----------|------------|--|
| (a) / 1 X | (b) CACF R | (c) ABC EP X, ABC Cultural X, Ashford College X, KCC Flooding X, KCC Ecol X, Kent Fire X, HS1 X, |
|-----------|------------|--|

The Strategic Development and Delivery Manager gave a presentation and drew Members' attention to the Update Report, which included details of amendments and responses from the applicant's agent to points made by others.

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

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

In accordance with Procedure Rule 9.3, Cllr Bartlett, on behalf of Central Ashford Community Forum, had registered to speak in objection to the application. He addressed the meeting in person and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix C.

**Resolved:**

- (A) Subject to satisfactory resolution of the privacy matter identified in paragraph 39 & Figure 16 of the Officer's report to the satisfaction of the Strategic Development and Delivery Manager or Development Management Manager including the submission of amended plans and elevations and delegated authority to such officers to agree to any such revisions to the scheme, 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 Solicitor to the Council & Monitoring Officer, 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; and,**

TABLE 1

|    | Planning Obligation   |                     |   |
|----|---|---------------------|---|
|    | Detail  | Amounts (£)         | Trigger Points (£)  |
| 1. | <p><b><u>Informal/Natural Green Space</u></b></p> <p><u>Project</u>: investment at Memorial Gardens</p>   | £18,816.87          | <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p> |
| 2. | <p><b><u>Adult Social Care</u></b></p> <p><u>Project</u>: towards extra care accommodation in Ashford</p>   | Total<br>£4,993.92  | <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p> |
| 3. | <p><b><u>Allotments</u></b></p> <p><u>Project</u>: towards Torrington Road community allotment</p>  | Total<br>£8,032.50  | <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p> |
| 4. | <p><b><u>Children's and Young People's Play Space</u></b></p> <p><u>Project</u>: off-site provision of play facilities either in Ashford Town Centre or Victoria Park</p> | Total<br>£32,526.67 | <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p> |
| 5. | <p><b><u>Community Learning</u></b></p>   |                     |   |

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|----|--|---|---|
|    | <u>Project</u> : towards additional resources and equipment  | Total<br>£558.28  | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 6. | <b><u>Health Care</u></b><br><br><u>Project</u> : towards the refurbishment, reconfiguration and/or extension of space within the Ashford Primary Care Network.  | Total<br>£29,376.00   | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 7. | <b><u>Libraries</u></b><br><br><i>Applies to developments of 11 dwellings or more</i><br><br>Contribution for additional bookstock at libraries in the borough   | Total<br>£1,885.30  | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 8. | <b><u>Outdoor &amp; Indoor Sports provision</u></b><br><br>Project: towards outdoor & indoor sports pitch provision targeted towards the specific 'Hub' projects identified in Policy COM2 of the ALP 2030<br><br><i>(Discovery Park<br/>Conningbrook Park<br/>Ashford Town Centre<br/>Finberry/Park Farm<br/>Kingsnorth Recreation Centre<br/>Sandyhurst Lane</i> | Total outdoor<br>£34,919.00<br><br>Total indoor<br>£13,060.00 | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |

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|     | <i>Spearpoint<br/>Pitchside/Courtside)</i>  |   |   |
| 9.  | <b><u>Primary Schools</u></b><br><br><u>Project:</u> (1) towards construction of Conningbrook Primary School and (2) towards associated land acquisition costs at this site | (1) Sub-total<br>£51,000.00<br><br>(2) Sub-total<br>17,729.40<br><br><u>Total</u><br>£68,729.40 | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 10. | <b><u>Secondary Schools</u></b><br><br><u>Project:</u> towards the expansion of Norton Knatchbull   | Total<br>£34,050.00   | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 11. | <b><u>Strategic Parks</u></b><br><br><u>Project:</u> improvements to Victoria Park  | Total<br>£4,784.79  | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 12. | <b><u>Voluntary Sector</u></b><br><br><u>Project:</u> towards active Town Centre groups   | Total<br>£2,156.88  | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |

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| 13. | <b><u>Youth Services</u></b><br><br>Project: towards the Ashford Youth service   | Total<br>£2,227.00   | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 14. | <b><u>Public Art</u></b><br><br>Project towards provision within Ashford Town Centre including Giraffes project  | Total<br>£8,389.50   | <b>From any Deferred Contributions received</b> , allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment. |
| 15. | <b><u>Monitoring Fee</u></b><br><br>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking  | £500 per annum until development is completed                | <b>PAY REGARDLESS</b><br><br>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)   |
| 16. | <b><u>Deferred payments mechanism</u></b><br><br>Mechanism to monitor sales/rental values to ensure that 40% of any rise in values is paid to the Council towards those contributions above that are deferred. | Up to the value of all deferred contributions (index linked) | To be paid if the circumstances prevail   |
| 17. | <b><u>Accessible and Adaptable Housing</u></b><br><br>Level 2 access homes (M4(2)) to be provided  | Minimum of 20% M4(2) across the whole site                   | N/A   |

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| <p>Notices must be given to the Council and the County Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. County Council contribution are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3). The Council's and the County Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p> |  |  |  |

- (C) **Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Head of Planning and Development which identifies suitable mitigation proposals such that, in her view, having consulted the Solicitor to the Council & Monitoring Officer, and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation**
- (D) **Resolve to 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 provisions effective 01/10/2018**
1. Standard time condition
  2. Development carried out in accordance with the approved plans
  3. Code of Construction practice including Dust Management
  4. Hours of construction
  5. Wheel washing, site set-up and contractor parking arrangements
  6. Highways
  7. Provision and retention of parking

8. Provision of 25 active EV 7kw chargers to the parking court prior to the first occupation at the site and any associated passive provision as part of a future proofing strategy including details of supporting infrastructure and its location
9. Provision and retention of secure cycle parking and bin storage
10. Remediation and verification to leave uncontaminated
11. Dealing with any unexpected contamination
12. Foul water sewerage disposal details
13. SUDs scheme including verification
14. Tree protection measures
15. Arboricultural Method Statement to prevent damage to off-site trees
16. Full details of hard and soft landscaping works within the site, including permeable paving
17. Water use not to exceed 110 litres per day
18. External bricks, roof tiles, feature bricks, metal cladding to elevations and gable roof features, balcony balustrading and privacy screens, entrance canopies and other external detailing such as rainwater goods, vents and flues and external materials all to be agreed prior to usage in the buildings.
19. Exploration of car club
20. Details of a scheme to celebrate the site's local history to Ashford (including but not limited to WW1) through building naming, on-site information externally, internally in entrance lobby areas and any other appropriate external measures to be agreed.
21. Waste Recycling Plan relating to demolition of Swanton House to include approval of strategy, its subsequent monitoring and the submission of a final report to show the % of material that has been able to be recycled.

### **Note to Applicant**

1. S106
2. Construction Management Plan to ensure cessation of works sufficiently in advance and for the duration of the bi-annual EKBMGC events within the Memorial Gardens.

3. The Local Planning Authority would wish to see thoughtful incorporation of the site's local history to Ashford so that it can be appreciated.

4. Working with the 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 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 provided with both officer and Design Panel pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address issues raised,
- The applicant was provided with the opportunity to bring back an amended design scheme for consideration following deferral at the July 14<sup>th</sup> 2021 Planning Committee meeting, and
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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**Application Number**      21/00306/AS

**Location**                      Former Goods Yard, Bramble Lane, Wye, Kent

**Grid Reference**              604725 147086

|                                |                       |
|--------------------------------|-----------------------|
| <b>Parish Council</b>          | Wye with HinxHill     |
| <b>Ward</b>                    | Wye with HinxHill     |
| <b>Application Description</b> | Erection of 9 houses  |
| <b>Applicant</b>               | Pathway Project 1 Ltd |
| <b>Agent</b>                   | Bhox Ltd              |
| <b>Site Area</b>               | 0.48 ha               |

The Head of Planning and Development gave a presentation and drew Members' attention to the Update Report. One additional objection had been received and there was an amendment to a recommended condition. He also advised Members of a very recent revision to the Site Plan, and displayed the new plan which replaced Figure 1 in the Officer's report. The new site area was stated by the applicant to be 0.4719 ha.

In accordance with Procedure Rule 9.3, Mr Barton, a local resident, had registered to speak in objection to the application. He addressed the meeting in person and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix D.

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

In accordance with Procedure Rule 9.3, Mr Bartley, on behalf of Wye with Hinxhill Parish Council, had registered to speak in objection to the application. His speech was read to the Committee by the Member Services and Ombudsman Complaints Officer and is attached to these Minutes at Appendix F.

**Resolved:**

**To defer for officers to seek the following:-**

- a) A surveyors report that confirms the full extent of the site area including the access from the site to the public highway;**
- b) Network Rail's confirmation of the agreement to provide access across the station car park to the site, including the provision of formalised car**

parking for station users and details of any storage / welfare area for Network Rail operatives that may need to be provided as part of the scheme;

- c) Amendments to the design of the proposed dwellings so that they may accord with the policies in the Wye Neighbourhood Plan and guidance in the Wye Village Design Statement;
- d) Amendments to the proposal to increase the level of soft landscaping to be provided as part of the development;
- e) Details of any acoustic fencing to be provided alongside the railway line.

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|--------------------------------|---|
| <b>Application Number</b>      | 21/00973/AS                                       |
| <b>Location</b>                | Greenluck Farm, Harris Lane, High Halden TN26 3HN |
| <b>Parish Council</b>          | High Halden                                       |
| <b>Ward</b>                    | Weald Central                                     |
| <b>Application Description</b> | Creation of an access track                       |
| <b>Applicant</b>               | Mr M Green  |
| <b>Agent</b>                   |   |
| <b>Site Area</b>               | 4.65 hectares                                     |

The Head of Planning and Development gave a presentation and drew Members' attention to the Update Report. There were two late representations and an additional condition.

In accordance with Procedure Rule 9.3, Mr Blake, a local resident, had registered to speak in objection to the application. His speech was read to the Committee by the Member Services Officer and is attached to these Minutes at Appendix G.

In accordance with Procedure Rule 9.3, Mr Sargent, on behalf of High Halden Parish Council, had registered to speak in objection to the application. He addressed the meeting in person and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix H.

One of the Ward Members attended and spoke in objection to the application.

**Resolved:**

**Permit**

**Subject to the following Conditions and Notes:**

**Conditions**

1. Standard Time Condition
2. Compliance with The Approved Plans
3. Full Landscaping Survey & Arboricultural Assessment
4. Materials to be Approved
5. Full Details of Construction and Excavation
6. Biodiversity Enhancement
7. Restriction of the use of the access track to vehicles associated with the agricultural use of the farm

**Informatives**

**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,
- 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 applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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|                                |  |
|--------------------------------|--|
| <b>Application Number</b>      | 21/01173/AS  |
| <b>Location</b>                | Land north of Stumble Holme, Kingsford Street, Mersham, Kent   |
| <b>Grid Reference</b>          | 605029/140109  |
| <b>Parish Council</b>          | Mersham  |
| <b>Ward</b>                    | Mersham, Sevington South with Finberry   |
| <b>Application Description</b> | Erection of 5 no residential dwellings with associated access, parking, landscaping and amenity space. |
| <b>Applicant</b>               | Mr Jonathan Mayes  |
| <b>Agent</b>                   | DHA Planning Ltd   |
| <b>Site Area</b>               | 0.33 ha  |

The Head of Planning and Development gave a presentation.

In accordance with Procedure Rule 9.3, Mr Ross, a local resident, had registered to speak in objection to the application. His speech was read to the Committee by the Member Services Officer and is attached to these Minutes at Appendix I.

In accordance with Procedure Rule 9.3, Mr Garvey, the agent, had registered to speak in support of the application. He addressed the meeting in person and his speech as submitted in advance of the meeting is attached to these Minutes at Appendix J.

The Ward Member attended and spoke in objection to 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 Head of Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Development Management Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation;**
- (B) Resolve to Permit subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

**Conditions**

1. Standard Time Condition
2. Compliance with The Approved Plans
3. Landscaping Scheme to include new hedgerow and tree planting
4. Planting plans required to accompany the landscaping scheme
5. Landscape management plan
6. Details of boundary treatments
7. Retention of existing hedgerows
8. Tree protection measures
9. Tree protection measures for new trees
10. Materials to be Approved
11. Provision and Retention of Vehicle Parking space
12. Provision and retention of bicycle storage
13. Enforcement Condition
14. Occupation as a single dwelling house only

15. Construction Management Plan/Hours of Working
16. Provision and maintenance of visibility splays?
17. Electric Vehicles Charging Points
18. Archaeological Field Evaluation
19. Biodiversity Enhancement
20. Sustainable surface water drainage scheme
21. FTTP

### **Working with the Applicant**

1. 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,
  - 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 applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

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Queries concerning these Minutes?

Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)

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

**Mrs Krawczyk – Local Resident**

I am very happy to see the change in the design brought forward from the last planning committee meeting for this development. What we see now is, at least visually, a vast improvement from the last design. Whether this new design “enhances the local distinctiveness” of the Town Centre conservation area is a decision each of you will need to make.

I do note, that the original concerns of the design panel, that I endorse, still have not been addressed. Notably the panel stated the site was “sensitive and would be challenging to develop in an acceptable manner” and requested the developer consider: 1) a variety of design strategies and layout options to test to justify the most appropriate solution, 2) a variety of home types to help establish a unique residential offer, and 3) a reduction in the number of units to alleviate pressure on the edges of the site and spatial qualities of the proposal. In the last planning committee meeting to discuss this application, many of the councillor’s echoed these concerns. The developer once again had the opportunity to take the design panel and this committee’s opinions into consideration, and while they addressed some of the concerns, many remain unanswered.

I am once again hugely disappointed by this developer’s inability to contribute S106 funds; I note they are “deferred” but also understand that with the payment criteria set unreasonably high, there is very little likelihood these funds will ever be realized by the council. This means that once again, the developer walks away with a sizable profit, while the residents of Ashford suffer with either decreased services or increase in costs to cover the increase in demand this development brings to central Ashford.

I note in the officer’s report that the developer has basically given the council and this committee an ultimatum to either approve this plan now, or face the developer immediately filing an appeal. You will all need to decide if you wish to set a precedent of developers strong-arming their way to planning approval instead of taking the recommendations of this panel into account when making their applications. While I appreciate the need for pragmatism, I hope this threat from the developer does not cause this committee to approve an application for which they still have concerns.

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**APPENDIX B**

Speech by Emma Hawkes, DHA Planning, Agent for Planning Application 20/00711/AS)

Members will recall that this application was considered by the July planning committee. At that meeting the application was deferred pending a further review of the proposed design of the scheme. Members wished to see a design that would be more in keeping with, and would enhance, the character of the area.

The majority of Members supported the principle of redevelopment on this derelict site. However, the preferred design approach for Members was less clear. Some Members considered it should be more representative of the form and character of the buildings located around the junction of Church Road, rather than the modernist architecture of the neighbouring college building. Others expressed the view that it was 'visually boring', 'not innovative enough', and should have a 'wow' factor like the architecture of Elwick Place.

Following the July meeting, the project team liaised with the Case Officer to seek further advice on the design approach to be taken in this particular case. On balance it was agreed that the design steer should accord with the majority of Members' views and be more reverential to the Victorian or early Edwardian period in the conservation area.

Consequently, the revised design approach is now a clear reflection of the existing building form with a strong pair of gables facing Elwick Road. The design detailing on the buildings includes traditional slate tiles and a mixture of facing brickwork, recessed facing brickwork, vertical brickwork and toothed brickwork detailing. Metal cladding represents a modern take on the gables and different coloured brickwork adds depth to the elevations.

There is now a visual richness to the buildings with the incorporation of both a modern and traditional approach in both design cues and the use of materials.

Previously, Members also expressed concerns regarding the use of balconies. To address these concerns, the revised design incorporates privacy screens. Furthermore, the tenancy agreements for properties will safeguard and enforce what can be placed on the balconies.

We can also advise Members that all 25 spaces within the central parking area between the two apartment buildings will be fitted with an EV charging point.

On balance this proposal represents an exciting opportunity to visually improve a derelict, vacant and unsightly brownfield site in Ashford Town Centre. The proposal is in accordance with local and national planning policies and we respectfully ask that the application be granted permission.

**APPENDIX C**

**Mr Bartlett – Central Ashford Community Forum**

Ashford Borough Council

Central Ashford Community Forum  
c/o 14, Upper Queens Drive  
Ashford,  
Kent  
TN248HF  
08.12.21

**SWANTON VILLA:DEMOLITION AND DEVELOPMENT OF SITE-  
20\711.**

Thank you for including responses to some of our comments on this development. We are critical, but do not oppose, the scheme, and appreciate the very recent direct response from DHA.

**ACCOMMODATION**

This Forum has always welcomed the principle of provision of housing on the town centre. We regret the over-provision of 1 bedroom flats and the lack of 3 and 4 bedroom accommodation in the town centre. Chasing the 5 year housing land supply target should not mean providing large numbers of dwellings irrespective of need, size, and quality.

We regret that Section 106 funding has not been achieved.

**APPEARANCE**

This building is out of place in a Conservation Area, and would detract from the townscape. We remain of the opinion that red brick would be preferable, and the metal cladding on the gables is eccentric. The “contemporary twist” has failed.

**SEWAGE**

DHA’s explanation of the sewage failure in North Street does not correspond with information received on-site from contractors. We would want DHA to confirm that the sewage system will cope with this increased flow.

**PUBLIC ART**

Does Section 42 cover the installation of the Ashford Mural at last?

### EVs

DHA refers to a report from contractors M&E. Has a discussion actually taken place with the Electricity Supply company, to confirm that there is sufficient future capacity?

### DEMOLITION

We note DHA's comments about "all materials being separated and re-used" and hope the Council will enforce this imaginatively. Can any of the existing features of the Swanton House be used in the new buildings?

### CARBON NEUTRALITY

The proposals are really quite feeble in terms of COP 26.

The email of 24 November 2021 from the applicant which is reproduced on Page 6 is unnecessary and potentially unhelpful. We are not unfamiliar with such threats "approve this or we will appeal" given the underlying impact of that on costs etc. But I do wonder if such an unambiguous approach is appropriate from this applicant.

## APPENDIX D

### Mr Barton – local resident

Thank you for allowing me to speak on behalf of 32 households located adjacent to this proposed development. I'm sure you will have noted the number, range and strength of objections referenced in the officer's report. To summarise, the design is of a very poor quality and lacks basic amenities. It's a crammed development. Access is via a congested, well-used, but unlit car park with no pavement or drainage. This land is prone to flash flooding and inconsiderate parking.

Regarding safety, there is absolutely no safe pedestrian access to the site, with the only access via a busy car park with no reserved pathway nor lighting. On any given school run, the activity in the car park is constant – not only from those parking, but also those using it as a turning point to avoid, or join, the queues at the level crossing. With this development being targeted at families with children, this is a tragic accident waiting to happen.

Vehicular access to the development remains completely substandard. According to the latest plans, the moment a car passes the first house it has no suitable turning space – a situation aggravated by even a single visitor car in the street. The prospects for larger vehicles like delivery vans, emergency vehicles and heavy Network Rail equipment – a contractual obligation for the development – is even worse.

Talking of cramped space, there's the health issue of nighttime noise from rail traffic and regular rail works. As a recent Network Rail planning response highlighted, work at unsociable hours will increase; housing in such close proximity to an access point and work site will be severely impacted. We also refute the applicant's assertion that "the meadow area would link into the existing meadow at Havillands". The Havillands residents' management company owns the land and boundary fence and we have not been approached.

And aesthetic value. Our views of the surrounding countryside are not a material consideration, but consider the visual blight for the thousands who visit and enjoy the stunning scenery around Wye. Their first sight of Wye will be these uninspiring sheds beside the station. They will spoil views of the King's Wood downs, and will be clearly visible from the Crown. These poor-quality houses do the opposite of enhancing the Area of Outstanding Natural Beauty and the applicant has ignored the Wye Village Design Statement guidance.

Thank you.

## APPENDIX E

Application 21/00306/AS – Planning Committee Agenda Item 6b on 08/12/21

Good evening,

The application before you today is a housing scheme in Wye.

The proposal is to develop the vacant brownfield depot directly adjacent to Wye Train Station, to deliver 9 family houses.

The scheme is recommended for approval by the officers.

This scheme is effectively a revised proposal to the previous proposal for 14 houses.

The previous proposal for 14 houses was appealed based on non-determination, but the appeal was dismissed in 2019.

The Appeal Inspector found the principle of housing development to be acceptable at this site, despite being in the Area of Outstanding Natural Beauty.

This was because the scheme would make a sustainable use of this previously developed land.

However, the Appeal Inspector did raise questions about the visual impact and the station car park.

The current scheme addresses the issues around the visual impact by reducing the number of dwellings from 14 to 9.

This allows the scheme to align with the rear building line of the adjacent Havillands development.

The scheme also delivers buildings of various heights across 2 to 3 storeys to align with the adjacent Havillands development.

The current scheme also addresses the issues around the station car park.

We have had extensive discussions with Network Rail since 2019.

We agreed a formal station car park layout for 28 parking spaces, which the officers find acceptable.

The heads of terms are already progressed and signed with Network Rail, and we are waiting on this planning consent to be granted.

We will deliver this formal station car park as part of our development, which will be a significant local benefit to the residents.

The scheme will deliver high quality family homes, without causing harm to surroundings or neighbours.

It will be sustainable in terms of energy consumption and transport.

Our scheme will fit very well into the wider residential environment, including the adjacent Havillands development.

The scheme will make an efficient use of this previously developed land which is currently underutilised.

It will contribute to the Council services, through developer contributions, New Homes Bonus and additional Council Tax revenues.

The scheme is consistent with the latest national and local planning policies.

We believe therefore that the scheme should be approved this evening.

Thank you.

Planning Agent on behalf of the Applicant

**21/00306/AS Former Goods Yard, Bramble Lane, Wye  
Planning Committee 19.00 Wednesday 8th December 2021**

Wye with Hinxhill Parish Council - speaking note

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Chairman,

Thank you for this opportunity to speak.

Your committee refused the previous application, and a Planning Inspector upheld your decision at appeal. The 'red line' area is recorded at 0.48ha, but the Land Registry Title Plan K782551 shows that the applicant also owns adjacent 'blue line' land. This adds some 275m<sup>2</sup>. The plans omit this fact, although the land is integral to the access and parking layout (Site Plan 237/101RevisionG). KCC Highways relies on this land to provide site access, and 11 of the 28 railway station parking spaces.

The Transport Statement for 17/01646/AS claimed that: *'It is also the [applicant's] intension [sic] to offer additional land as part of the development proposals, which is located immediately to the north to be incorporated within the Network Rail car park.'* Although key to this development, the applicant has not renewed the offer of land.

The applicant's land just exceeds 0.5ha. Therefore this is a major site, subject to affordable housing and s106 contribution policies.

The site borders the railway and the line speed is 80MPH. Furthermore, Network Rail has a 4.1m easement along the site boundary for track maintenance purposes. Therefore, train noise and safety mitigations are essential for the health and wellbeing of future occupants, especially children.

The Inspector noted that *'the appellant also proposes an acoustic barrier around the development boundary to reduce noise levels within the external amenity areas.'* Consequently, the D&A Statement and Site Plan mark an *'Acoustic Fence on Applicant's side of boundary'*. However, we have no elevations or specifications for security and noise mitigations. Nor are any trees proposed to reduce the dominance of hard surfaces and parked cars.

Consequently, we have no landscape impact assessment of a 220m acoustic barrier of unknown height. Nor whether this structure will encroach on the 6m turn-in to the car ports.

The *'meadow area'* illustrated in figs.3. and 4. in your report is misleading, as they omit the 4.1m easement track. Nor are there any details of the *'a storage/welfare*

*area for Network Rail operatives at back of the development*'. This new facility is a Network Rail condition, but the D&A Statement makes no reference to this intrusive and unmitigated development in the AONB. Please note that the Inspector did not consider this element under 17/01646/AS.

Given its fundamental flaws, policy departures and unresolved issues, this raw and unsympathetic application should not be permitted.

Again, thank you.

## APPENDIX G

### Mr Blake – local resident

I am Robin Blake and I have lived next to Greenluck Farm since 2012. The Woodland was always maintained well until the Greens took ownership. The description on the application lists the creation of a driveway together with pigpens and other buildings. The woodland is protected by TPO and ground flora, my concerns are that they have already started the drive without permission. They are trying to use a lapsed planning application to reinstate the pigpens, in a different location, which in accordance with regulations will still be too close to our residential properties.

Moving forward I am concerned that the applicant will continue making changes illegally. Previously when pigs were on site no manure or slurry was removed as required on the application. We had terrible smells and flies due to the poor husbandry on his site. This eventually resulted in the animals dying and we had to resort to DEFRA, trading standards and RSPCA who removed carcasses and cleared the rest of the animals on site as it was not fit for purpose.

This site has a history of being used for anti-social behaviour, the best indicator of future behaviour is past behaviour. Allowing a driveway with no restrictions on it makes it easier and more likely that this will continue or even increase. Another concern is that a driveway will increase the likely hood of more waste/fly tipping to the rear fields, which then gets burnt and pollutes the streams. There is already a caravan on site which in the summer months they use to stay in and hold banger racing with a generator running late into the night. This causes lots of noise and disturbs all of the neighbours.. The caravan has no sewage facilities which is of great concern.

For the reasons above the neighbours feel there are good reasons to refuse this application, but if the committee are minded to approve we would ask that conditions are imposed to limit the purpose to essential agriculture only and uses such as leisure and residential are prohibited. This should be of no concern to the applicant if their intentions are good and will go some way to allaying neighbours fears.

regards  
Robin Blake

**APPENDIX H****Mr Sargent – on behalf of High Halden Parish Council**

The Parish Council is determined to protect and maintain all designated ancient woodland within our boundaries. The site of this application is part of an Ancient Woodland.

The NPPF 2021, under Habitats and biodiversity, states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly and acceptable reasons and a suitable compensation strategy exists”. We consider this application would cause a deterioration of habitat.

The Ashford Local Plan also enforces the safeguarding of such land. The Natural and Built Environment Policy ENV1 Biodiversity states “Proposals should safeguard features of nature conservation interest and should include measures to retain, conserve and enhance habitats.....including ancient woodland”. Policy ENV5 Protecting Important Rural Features states that “All development in the rural areas of the Borough shall protect and, where possible, enhance the following features: a) Ancient woodland and semi-natural woodland.” These two important documents clearly state that ancient woodland should be protected.

Natural England, in their report dated 5<sup>th</sup> October 2021, advises that the proposal as presented has potential to adversely affect woodland classified in the Ancient Woodland Inventory.

Natural England and the Forestry Commission state that planning applications should follow the NPPF guidance above. They say that, among other things, ancient woodland is important for its soil. This is a proposal to lay a 4 meter wide tarmac track across ancient woodland soils.

Nowhere in this application does it properly provide an explanation for the need for such a roadway to be built or why it deviates from a supposed existing track shown on planning application 18/00228/TP.

On Monday I carried out a visual survey from the outside perimeters of Greenluck Farm into the woodland and the grassland at the rear. Much of the woodland is covered in debris including the remains of the pig pens and various plastic drums. A small derelict touring caravan is in the undergrowth. The area is in a very poor state and in dire need of a good clear up. At the edge of the grassland there is a residential type caravan which we have previously queried.

I saw from my visual inspection from the access gate in Harris Lane that work has already begun on laying the proposed new pathway, rough tarmac has been laid from the gate for, I would estimate, 15 to 20 meters into the woodland.

**APPENDIX I****Mr Ross – local resident**

Planning Application 21/01173/AS

This development which I strongly urge the Committee to reject would, if it were to be given approval sets a dangerous precedent insofar as it seeks permission to build outside the village envelope and justifies this by the fact that one side of the development albeit the shortest by a factor of greater than 1 to 4. This would appear to be a “grey area” in need of clarification as to take it to an extreme a development could be argued to be legitimate if it only shared a yard of its boundary with a village’s envelope.

I am also concerned at apparent inconsistencies in the way in which the Planning Department at ABC assesses applications. Case in point being the conditions attached to a previous application to build in Kingsford Street compared to this current application where there appears to have been significant relaxations in the way this application has been considered and assessed. Specifically build density and visual intrusion for existing residents.

I am particularly concerned over the way in which the existence of a covenant preventing development on this parcel of land is set aside. I note that the comments of ABC Planning Department dismiss the covenant as not relevant to their decision making process but surely ABC must recognise that any approval of this application could be considered as supporting and condoning a breach of the covenant. I would have thought it would have been prudent for ABC to at least seek a legal opinion on this issue before taking a decision on this application.

I would also request that the Committee note that there is no indication as what form of heating/insulation systems the developer intends to install in the properties that form part of this development. Given the Governments commitments in this area is this not something that should be addressed in any new development applications.

Finally although it might be considered “nit picking” I would observe inaccuracies in the Planning Department report insofar as there is only one Public House in the village, the other having closed it’s doors almost two years ago. Perhaps more importantly it states that there are two existing entrances to the site (para. 6 of Planning Department report). This error of fact is compounded in para 8) where it state that the existing access point will be replaced by three new access points and then in same paragraph reverts again to “two existing access points be closed of with new hedging compensating for removal of existing hedgerow to provide three new access points. Review of planning document submitted by developer shows only one existing access point.

## APPENDIX J

Chair, members, good evening.

The proposal provides an opportunity to deliver additional housing for Mersham and Ashford in an entirely sustainable form. Members will be aware that the site is located outside of the confines of Merhsam, but immediately adjoins the defined village boundaries. Policy HOU5 is clear that this development outside of defined settlements, but well-related to village boundaries, is acceptable, and the proposal makes a logical extension to Mersham, whilst being limited in terms of its impact on the wider countryside.

The proposal is for five family sized homes, which will provide a meaningful and important contribution for local families looking to relocate or stay in the area. The site is located approximately 400m from the post office and bus stops in the village centre. The allocated site to the east for 8no. dwellings, is a similar distance from these facilities, therefore, the application site is considered equally sustainable. Furthermore, given the number of units proposed, it is not considered this would have an unacceptable impact on the locality, or existing infrastructure, whilst conversely it would support local shops and services.

There have been no objections from KCC Highways, and the applicant has worked closely with the Council's Landscape Officer to amend the scheme to provide additional space around the Sycamore tree, to ensure it continues to flourish, whilst protecting it from any future pressure for pruning or removal. Furthermore, additional frontage tree planting has been provided as part of the scheme to improve tree cover.

The scheme will also see the introduction of a reptile habitat zone, whilst the planting of over 200m of native hedgerow will encourage other protected species on the site and improve eco connectivity.

The design of the scheme has taken inspiration from properties in the locality, whilst parking and private garden areas meet the Council's required standards and will, therefore, protect future resident's amenity.

Members, the scheme before you has been carefully considered to respect the form of development in the locality, would provide a small – but logical, extension to Mersham in an entirely sustainable manner. The scheme would deliver benefits for flora and fauna in the area, whilst the new housing would contribute to the Council's five-year housing supply. The proposal accords with Ashford's adopted Local Plan policies and is considered to deliver a high-quality scheme for Mersham.

Given the above, it is respectfully requested that members support the officer's recommendation.