

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **17th August 2022**.

Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

N Bell (ex-officio non-voting), Campkin, Chilton, Forest, Harman, Howard, Iliffe, Mulholland, Ovenden, Shorter, and Sparks

Apologies:

Cllrs Meaden, Spain

In accordance with Procedure Rule 1.2(iii), Cllrs Wright and C Suddards were in attendance as substitutes for Cllrs Meaden and Spain respectively.

Also Present:

Cllrs Buchanan, Pauley

In Attendance:

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

121 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Blanford	Made a Voluntary announcement that she was a Member of the Weald of Kent Protection Society (WKPS) and the Campaign to Protect Rural England (CPRE).	
	Declared that she knew the owner slightly but had not discussed the application with him.	21/01862/AS
	Declared that she was the Council's representative on Kent Downs Area of Outstanding Natural Beauty but the application had not been discussed at any meetings she had attended.	21/01862/AS
Cllr Buchanan	Declared that he was the Portfolio Holder for Housing. He stated he would be speaking as	22/00249/AS and

Cllr Burgess	Ward Member on the Henwood scheme only. Made a Voluntary announcement that he was a Member of the Weald of Kent Protection Society (WKPS).	22/00882/AS
	Declared that he was the Deputy Portfolio Holder for Housing but had not been involved in any discussions on these applications.	22/00249/AS and 22/00882/AS
Cllr Shorter	Declared that the agent was known to him as he was a former Board Member of a charity, but he was not a close personal friend and he had no pecuniary interests. Declared that he also had a current Permitted Development application for a building but this was in a different area of the Borough and had no connection with the application. Declared that he used the resultant animal feed product from a brewery in Tenterden.	21/01862/AS

122 Public Participation

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

123 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 13 July 2022 be approved and confirmed as a correct record.

124 Information/Monitoring items

An Appeals report had been provided which summarised Inspector decisions between 1 July 2021 and 31 May 2022; this had been circulated more widely to Members and was appreciated. No questions were posed.

125 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

Application Number	21/01862/AS
Location	Land at the Street and North of Court Lodge, The Street, Brabourne, Kent
Parish Council	Brabourne
Ward	Bircholt
Application Description	Conversion and change of use to distillery on ground floor (Sui Generis)
Applicant	The Wineburner LLP Martello Lodge Undercliff Sandgate, Folkestone, Kent, CT20 3AT
Agent	Ian Bull Consultancy Ltd 1 Mountbatten Way Brabourne Ashford, Kent, TN25 6PZ
Site Area	0.2ha

The Consultant Planning Officer gave a presentation, which included photographs and site plans, internal layouts, an outline of the proposed operation, and the perceived access issues. She referred the Committee to the Update Report, and added that, in very recent correspondence, the applicant and the agent had agreed to change the description of the application to refer specifically to the distillery being on the ground floor of the building. There was a further amendment to Condition 4, to delete 'and no other alternative industrial purpose' from the text. There was a further amendment to Condition 10, to add to it wording to the effect that once agreed, the arrangements shall be operated in accordance with the strategy and in perpetuity. On the Update Report itself, she also advised of an error in referring to paragraph 8, which should have referred to paragraph 9 instead. She thanked objectors, particularly Mr Armstrong, for his recent interesting submissions since the Agenda was published. She emphasised that the mezzanine level of the building, and the apron, would remain in farm use, as the application was for change of use of the ground floor of the building, for the proposed distillery.

In accordance with Procedure Rule 9.3, Mr Jonathan Armstrong, resident, was in attendance and delivered a speech in objection to the application.

In accordance with Procedure Rule 9.3, Mr Sebastian Barnick, applicant, was in attendance and delivered a speech in support of the application.

In accordance with Procedure Rule 9.3, Cllr William Harbottle, Chairman of Brabourne Parish Council, was in attendance and delivered a speech in objection to the application.

Resolved:

APPROVE subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

4. The ground floor of the Magnum building shall only be used for sui generis, distillation purposes.

Reason. In the interests of the Local amenities of the area and the protection of the AONB.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out under Part 7 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality

6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

7. No external storage shall occur on site unless a scheme has been submitted to and approved in writing by the Local Planning Authority. The storage shall then be carried out in accordance with the approved details.

Reason: In order to protect the visual amenities of the locality

8. There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 9.00am; or after 17.00 hours Mondays to Fridays: and none on Saturdays or at any time on Sundays or Bank or public holidays.

Reason: To protect the residential amenity of the locality

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

10. No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority. The use shall not commence until the arrangements so approved have been installed, and those arrangements shall thereafter be retained in operation and maintained for the duration of the use hereby approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

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11. The use of the building shall not commence before the installation of arrangements to manage and dispose of the water and the residue from the distillation process in accordance with details to be submitted to and agreed by the Local Planning authority. Those arrangements shall thereafter be retained in operation for the duration of the use hereby approved.

Reason : to ensure the surface water and residues do not compromise the local drainage system in an unacceptable way or cause water pollution or cause detriment to the local wildlife, thereby compromising biodiversity in line with paragraph 170 of the NPPF.

12. The use shall not begin until details of the bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to commencement of the use and shall thereafter be retained and available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

13. Before the use commences the proposed parking area shall be surfaced in permeable materials in accordance with the details submitted in Block plan PL0(03) and that area shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety and to ensure efficient and sustainable natural drainage.

14. Prior to the first occupation of the ground floor of the Magnum building at least one electric vehicle charging point shall be installed. The charging points may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

Informatives:

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,

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.

2. Any foul system discharging to ground in this area may require an environmental permit, unless it is discharging via a BS drainage field and meets the General binding rules for small scale sewage discharges.

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

If a permit is required the applicant should submit sufficient information to the EA to show that a permit could be achieved for this design of foul drainage in this locality. Discharges are not normally allowed in an SPZ1 or direct to groundwater in areas of shallow water tables. The information required to submit a permit application is on the .gov website under Environmental Permits, discharges to ground.

<https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b6-new-bespoke-water-discharge-activity-and-groundwater-point-source-activity>

Foul system discharges to ground in areas where there is a high water table will always be precluded and in these areas alternative arrangements for discharges to any available watercourses may be considered, if proposals meet the general binding rules. Where this is not possible an environmental permit may be required or foul arrangements will have to involve modern sealed cess pits, with tankering away of effluents on a regular basis.

Application Number	19/01307/AS	
Location	Site of former Ashford Hospital N H S Trust land between 3 and 23, Chart Road, Ashford, Kent	
Grid Reference	00255/43056	
Ward	Victoria Ward	
Application Description	Full planning application for the development of a 75 bed care home and 7 residential dwellings at the site of the former Ashford Hospital, land between 3 and 23 Chart Road, Ashford, Kent	
Applicant	Frontier Estates & NHS Property Services Ltd, c/o Strutt & Parker , 201 High Street, Lewes BN7 2NR	
Agent	Strutt & Parker, 201 High Street, Lewes BN7 2NR	
Site Area	0.88 Hectares	
(a) 6 R 1X Amends 6R	(b)	(c) ABC Culture X, ABC ES X, ABC Housing X, ABC Refuse X, KCC DCU X, ABC Parking X, KCC Ecology X, Kent Fire X, KHS X, KCC Flooding X, KCC Heritage X, POL X, NE X, Gas X, SWS X

The Deputy Team Leader – Strategic Applications gave a presentation, which included site location, elevation and layout information, accessibility and parking provision, building plans and streetscene drawings, proposed materials and biodiversity measures. He confirmed there was no direct vehicular access between the care home and private dwelling areas of the site. He drew Members attention to the Update Report, confirming the maximum water use per person per day condition, the sustainability features and the addition to Table 1.

In accordance with Procedure Rule 9.3, Mr Craig Noel, agent, spoke in support of the application.

Resolved:

REFUSE

The proposed development would be contrary to Policies SP1, SP6, S46(d) and TRA3(b) of the Ashford Local Plan 2030, guidance in the National Planning Policy Framework and principles of good design as set out by the Housing our Ageing Population Panel for Innovation (HAPPI) Report 2009, and so would give rise to harmful development contrary to interests of acknowledged planning importance, for the following reasons;-

- (a) The scale, massing and design of the C2 care facility would result in a monolithic and visually monotonous form of development that, combined with limited space for frontage landscaping, would be visually detrimental to the Chart Road street scene, and the visual character of the surrounding area, and would not constitute high quality design.
- (b) The proposed C2 care facility would not create a development with generous external communal spaces for residents (and their visitors) to use and enjoy as part of providing a high quality well-designed care facility with generous fresh-air outdoor communal spaces complementing both communal internal spaces and private amenity spaces.
- (c) The absence of private amenity spaces to allow residents to regularly enjoy fresh air from the comfort of their own homes (rather than in external communal areas) together with the predominance of long internal corridors without natural light as part of the single aspect flats' internal layout would not create positive internal spaces for scheme occupants that are considered essential to well-being and the achievement of high quality design.
- (d) Parking provision is considered insufficient to meet both the reasonable needs for care staff working on shift patterns at times when access to public transportation as an alternative to the private car will be difficult, and the needs of visitors, other health and well-being professionals and necessary parking provision for ambulances. This is likely to result in increased pressures of overflow car parking/congestion in the surrounding area that would interfere with the free flow of traffic, prejudice the safety of road users and impact on the residential amenity of surrounding residents.

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
- the applicant/ agent responded by submitting amended plans
- 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	22/00249/AS
Location	Henwood Car Park, Henwood, Ashford, Kent
Grid Reference	601711/142924
Parish Council	-
Ward	Central Ashford
Application Description	Erection of 23 no. residential dwellings for short-stay accommodation with associated access, parking, landscaping and amenity space
Applicant	Ashford borough Housing
Agent	DHA Planning
Site Area	0.26ha

The Interim Planning Applications and Building Control Manager gave a presentation and confirmed there were no updates. He explained the need for temporary homeless accommodation in Ashford town, together with aspects of the site and proposed building regarding flooding, emergency evacuation, storage facilities and amenity space. The building would be of high thermal quality and carbon zero, not achieved previously in Ashford, underlining its sustainability in perpetuity. It was to be a staffed scheme similar to the current arrangements at Christchurch House and Lodge.

He also advised that, as stated in the report, the application proposals took account of the existing Fire station use adjacent to the site, but as the Committee Members would also be aware of the current planning application to redevelop those Fire station facilities, and in case there should be any concerns about this, he wished to reassure the Committee that the two schemes had not been developed in isolation. The proposals for the Fire station took account of the application before the Committee, which preceded the Fire station proposals and should be assessed on the basis of the prevailing situation, but he assured the Committee that the Fire Authority and the Council, as adjoining applicants, had been keen to ensure that both schemes would be mutually compatible. Therefore, if the Committee agreed his Recommendation to grant Permission, this would not mean that the current planning application for redevelopment of the Fire station could not proceed in due course. He informed the Committee that to avoid confusion, and to allow Members to focus on each application separately, he had decided to withdraw the delegated report on the Fire station application that had been emailed to Members that day,

and to issue a fresh delegated report after the meeting, which would consider the up-to-date situation after a decision on the application before the Committee. Members would then have a fresh period of time to consider whether they wished that application to come to the Committee or be dealt with under delegated powers.

The Ward Member attended and spoke in support.

Resolved:

- A. Subject to the applicant first submitting any information required to enable an Appropriate Assessment under the Habitats Regulations 2017 (as amended), to be adopted by the Assistant Director - Planning and Development that, in his view, having consulted the Solicitor to the Council and Natural England, identifies suitable mitigation (if required) or proposals that, in his view would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto,

PERMIT

- B. 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

- Standard time condition
- Development carried out in accordance with the approved plans
- Management Plan – including occupancy limited to the homeless and 12 month maximum occupation period
- Occupancy limited to within Stour Catchment (as defined by Natural England)
- Management Plan
- Materials
- Contamination: Mitigation in accordance and verification report
- Contamination: Unexpected contamination
- Development in accordance with Acoustic Report
- Development in accordance with Air Quality Assessment
- Development is in accordance with the Flood Risk Assessment
- Provision of construction vehicle loading/unloading and turning facilities
- Provision of parking facilities for site personnel and visitors

- Provision of wheel washing facilities
- Provision and permanent retention of the vehicle parking spaces
- Electric vehicle charger provision
- Provision and permanent retention of secure, covered cycle parking facilities
- Provision and maintenance of visibility splays
- Provision of details relating to tree planting root containment method/tree pits
- Bat mitigation strategy
- Lighting design strategy for biodiversity
- Precautionary approach to site clearance to protect reptiles
- Biodiversity and Ecological Enhancements
- Archaeology
- Detailed sustainable surface water drainage scheme
- Verification drainage report
- Boundary Treatment
- No gates/fences, etc other than approved
- Construction Environmental Management plan
- Electric charging points
- Landscape plan
- Landscape Management Plan
- Broadband

Informatives:

KCC Highways informative

Southern Water informative

Breeding Birds

Encourage the applicant to work with Kent Fire and Rescue Service to minimise the effect of the odour and smoke from the training fires.

Secure by Design

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;

- 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 acceptable as submitted and further information was sought as required. The applicant/ agent responded by submitting additional information that addressed all outstanding queries.
- The application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Notes

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

Application Number	22/00882/AS
Location	Oakleigh House, Watercress Lane, Ashford, Kent
Parish Council	-
Ward	Beaver (Ashford)
Application Description	Prior Notification of the proposed demolition of two buildings.
Applicant	Ashford Borough Council
Agent	-
Site Area	0.54ha

The Strategic Development and Delivery Manager gave a brief presentation, which included photographs of the current condition of the site. He explained this was a stand-alone application to demolish the deteriorating buildings which were also becoming a target for anti-social behaviour and therefore demolition would mitigate any risk to the public. The separate redevelopment application, which had been deferred from consideration at the July Committee meeting, was to return to the Committee at a later date. He explained that such demolition work was subject to a 28-day application period to allow the Local Planning Authority to request further details of the work, but in this case, information on the demolition method and on site restoration had already been provided and was deemed acceptable.

The Ward Member was not present but a statement was read on her behalf. She welcomed demolition of the building as soon as possible. She requested that the Committee carry out a site visit prior to its consideration of the redevelopment application.

Resolved:

PERMIT

- A. PRIOR APPROVAL IS NOT REQUIRED, subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list).**

Conditions:

1. Approved plans/documents condition

Notes:

- Building Control will require the submission of a demolition notice under the Building Regulations.

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