

## Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **14<sup>th</sup> September 2022**.

### Present:

Cllr. Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Campkin, Chilton, Forest, Harman, Howard, Meaden, Mulholland, Ovenden, Shorter, Spain and Sparks

### Apologies:

Cllrs N Bell (ex-Officio, non-voting), Iliffe

In accordance with Procedure Rule 1.2(c), Cllr Bartlett was in attendance as substitute for Cllr Iliffe.

### Also Present:

Cllrs Barrett, Brooks, Webb and Wright.

### In Attendance:

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

## 143 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Bartlett	Declared he was a Member of Kent County Council who had expressed a view on a number of the applications. He had taken no part in formulating their submissions.	
Cllr Burgess	Made a Voluntary announcement that he was a Member of the Weald of Kent Protection Society (WKPS).	
	Declared that he was the Deputy Portfolio Holder for Housing but had not been involved in any discussions or decisions on these applications.	21/01250/AS and 22/00487/AS

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Cllr Campkin	Made a Voluntary Announcement that he knew the applicants, who lived in his neighbourhood, but had not discussed the application with them.  Declared he was a Member of Kent County Council who had expressed a view on a number of the applications. He had taken no part in formulating their submissions.	22/00673/AS
Cllr Chilton	Made a Voluntary Announcement that some years ago he was a member of the Ashford International Sports and Social Club.	21/01654/AS

## 144 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, one of whom had asked for their speech to be read out in their absence.

## 145 Minutes

**Resolved:**

**That the Minutes of the Meeting of this Committee held on 17th August 2022 be approved and confirmed as a correct record.**

## 146 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>	21/01250/AS	
<b>Location</b>	Oakleigh House, Watercress Lane, Ashford, Kent	
<b>Parish Council</b>	-	
<b>Ward</b>	Beaver (Ashford)	
<b>Application Description</b>	Redevelopment of site to provide 54 apartments for Independent Living for Older People and 13 apartments for Adults with Learning Disabilities, with associated communal facilities, landscaping and parking.	
<b>Applicant</b>	Ashford Borough Council	
<b>Agent</b>	PRP, Ferry Works, Summer Road, Thames Ditton, KT7 0QJ	
<b>Site Area</b>	0.81ha	
(a)	95/22 'R', 1 'X'	(b) - (c) KCCH&T 'X', KCC PROW 'X', KCC EDEV 'X', EH 'X', POL 'X', KFRS 'X', KCC LLFA 'X', SW 'X'. NE '-', CACF '-'

The Deputy Team Leader – Strategic Applications gave a presentation, outlining the site history as sheltered housing, its location over two parcels of land, the local road network and neighbourhood, the proposed design of the new buildings, the proposed materials, the open space assessment and the proposed landscaping strategy to mitigate the loss of green space and benefit the wider area. He drew Members' attention to the focus on sustainability, with the aspiration to achieve zero carbon emissions. In the Update Report, he had provided further supporting information from the applicant.

In accordance with Procedure Rule 9.3, Mr Martin Lopez, local resident, had registered to speak in objection to the application. He had opted to have his speech read by the Member Services Officer, which was done.

In accordance with Procedure Rule 9.3, Ms Mary Hutchison, agent, delivered a speech in support of the application.

One of the Ward Members was in attendance and delivered a speech in objection.

The other Ward Member was unable to attend and sent apologies, but had prepared a speech in objection, which was delivered on her behalf by another Member.

**Resolved:**

**REFUSED on the following grounds:-**

1. The proposed development would be contrary to Policies SP1, SP6, HOU3a (c) & (h), TRA3(a), ENV1, COM1, COM2, and IMP1 of the Ashford Local Plan 2030, and would therefore give rise to harmful development contrary to interests of acknowledged planning importance, for the following reasons;-
  - (a) The proposed accommodation for adults with learning disabilities would result in the loss of an existing neighbourhood open space that contributes to a positive sense of place. The loss would be harmful to the health and well-being of the local community and harmful to the character of the surrounding area. The applicant's proposals seeking to mitigate that loss would not result in equivalent or better provision of open space in terms of quality and quantity in a suitable location.
  - (b) The development would fail to provide sufficient car parking to meet the reasonable needs of occupiers and their visitors which would result in increased demand for on-street car parking in the surrounding area that would interfere with the free flow of traffic, prejudice the safety of road users and, through the reduction of on-street space for parking by those reliant on the availability of that resource, adversely affect the amenity of existing residents.
2. The proposed development would be contrary to Policies COM1, COM2, and IMP1 of the Ashford Local Plan 2030, and would therefore give rise to harmful development contrary to interests of acknowledged planning importance, for the following reasons;-
  - (a) In the absence of any agreed mitigation, the Local Planning Authority is unable to conclude that the proposed development would not adversely affect the integrity of the Stodmarsh Designated Nature Conservation Habitat as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development would therefore be harmful to matters of national and international ecological importance.
  - (b) The necessary s.106 planning obligations for specialist affordable housing as proposed have not been entered into in respect of (i) art and creative industries, (ii) indoor sports provision, (iii) informal natural green space, (iv) outdoor sports provision, (v) strategic parks, (vi) voluntary sector, (vii) adult social care, (viii) community learning, (ix) libraries, (x) health care and (xi) accessible and adaptable dwellings. Therefore, the proposed development is unacceptable by virtue of failing to acceptably mitigate the increased demand for services and facilities that it would generate and failing to meet the reasonable costs for the monitoring of the performance of the necessary planning obligations.

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<b>Application Number</b>	21/01654/AS		
<b>Location</b>	Ashford International Sports and Social Club, Beaver Road, Ashford, Kent, TN23 7SG		
<b>Parish Council</b>	NA		
<b>Ward</b>	Norman		
<b>Application Description</b>	Demolition and redevelopment of the site to provide a replacement Club facility and the erection of 31no. apartments across 1x three-storey and 1x five-storey building with associated access, parking and landscaping.		
<b>Applicant</b>	Ashford International Sports and Social Club (AISSC)		
<b>Agent</b>	DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, ME14 3EN		
<b>Site Area</b>	0.29ha		
(a) 80/7 - 7 'R'	(b) NA	(c)	EA 'X', KCC ARCH 'X', KCC EAS 'X', KCC EDEV 'X', KCC LLFA 'X', KCC H&T 'X', KFRS 'X', POL 'X', NHS 'X', SW 'X'

The Deputy Team Leader – Strategic Applications gave a presentation, explaining the site history of its use as a social club for more than 100 years, its location in proximity to town facilities, the local road network, the proposed mixed-use nature of the redevelopment, and the intended enhanced landscaping. He drew Members' attention to the Update Report; the name of the Applicant had been confirmed; the Kent County Council's Archaeological Advisor had requested a condition to ensure that the potential for prehistorical remains and artefacts to be uncovered was recognised and addressed appropriately if found; and he explained that the Environment Agency did not object to the application and the hieroglyphics in the report needed to be amended.

In accordance with Procedure Rule 9.3, Ms Emma Hawkes, agent, delivered a speech in support of the application.

The Ward Member spoke in objection to the application.

**Resolved:**

**REFUSED on the following grounds:-**

1. The proposed development would be contrary to Policies SP1, SP6, ENV1 and HOU3(a) of the Ashford Local Plan 2030 and paragraph 130 of the NPPF and would give rise to harmful development contrary to interests of acknowledged planning importance, for the following reason;-
  - (a) The proposed development, by reason of its inappropriate height, scale and massing would comprise overdevelopment of the site that would fail to promote high quality design or complement or respond to the prevailing character of the area.
  
2. The proposed development would be contrary to Policies COM1, COM2, IMP1 and IMP2 of the Ashford Local Plan 2030, and would therefore give rise to harmful development contrary to interests of acknowledged planning importance, for the following reasons;-
  - (a) In the absence of mitigation, the Local Planning Authority is unable to conclude that the proposed development will not adversely affect the integrity of the Stodmarsh Designated Nature Conservation Habitat as required by the Conservation of Habitats and Species Regulations 2017 (as amended). The proposed development would therefore be harmful to matters of national and international ecological importance.
  
  - (b) The necessary s.106 planning obligations have not been entered into in respect of (i) provision of accessible and adaptable dwellings, (ii) contributions towards allotments, art & creative industries, children and young people's play space, indoor sports provision, informal natural green space, outdoor sports provision, strategic parks, voluntary sector, adult social care, community learning, libraries, secondary schools, youth services and health care and (iii) the reasonable costs for the monitoring of the performance of the necessary planning obligations. Therefore, the proposed development is unacceptable by virtue of failing to acceptably provide for the mitigation of the impacts that it would generate and failing to provide any mechanism through which any rise in sales/rental values would generate the payment of partial contributions towards impact mitigation.

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<b>Application Number</b>	22/00487/AS
<b>Location</b>	Site Adjacent to 18 Chapmans Close, Challock, Ashford, TN25 4AX
<b>Grid Reference</b>	601047/150616
<b>Parish Council</b>	Challock
<b>Ward</b>	Downs West
<b>Application Description</b>	Erection of two storey dwelling with associated parking
<b>Applicant</b>	Ashford Borough Council
<b>Agent</b>	Head of Housing - Corporate Property and Projects
<b>Site Area</b>	0.045 ha

The Consultant Planning Officer delivered a presentation which showed the existing double-garage site location relative to adjacent properties, the proposed parking provision and the compensatory planting scheme to replace lost trees. He confirmed that the sewage system was owned privately, and the requirement of the applicant to contribute by a private formal agreement to the cost of the maintenance of this; it had capacity to cope with the additional connection. The impact of loss of light to the immediate neighbour was minimal, and privacy was not negatively affected. The need of the intended occupants for a specially-adapted home, and the fact that this had not been able to be secured elsewhere in the village where they had a network of local support, had been highlighted by the applicant within the Update Report.

**Resolved:**

**PERMIT**

With delegated authority to the Strategic Development and Delivery Manager and the Planning Applications and Building Control Manager to grant planning permission following negotiating alterations to the proposed roof in order to improve solar capacity (provision of more solar panels) and subject to the imposition of the following conditions and notes, with the like delegated authority to amend them as they consider necessary:-

- 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 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.

- 3 The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

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.

- 4 Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development progresses beyond the foundation stage and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. A landscaping scheme for the site (including entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

6. The areas shown on the approved drawings as vehicle parking spaces shall be provided, before the use is commenced and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-



enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

7. The approved dwelling shall be provided with at least one electric vehicle charging point prior to first occupation. This must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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.

8. **Bat Mitigation Strategy**

Prior to demolition of the on-site building and the felling of trees T3, T6, T7, T8, the full bat mitigation strategy, as detailed in the Bat Survey Report, KWT, 6th July 2022, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained.

Reason: To protect the existing population of bats and to improve the habitat for bats on the site.

9. **Sensitive lighting strategy**

Within 3 months of works commencing a “sensitive lighting strategy” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Take into account measures as described within paragraph 5.4 appropriate lighting strategy of the Bat survey report;
- b) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and
- c) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To protect and enhance existing species and habitat on the site in the future.

10. **Biodiversity and Ecological Enhancements**

Within 3 months of planning permission being granted, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained

Reason: To protect and enhance existing species and habitat on the site in the future.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the approved dwelling shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality.

12. The first-floor window opening on the east elevation shall be fitted with obscured glass (privacy level/grade 3 or higher) and shall be non-opening up to a minimum height of 1.7 m above internal floor level. This specification shall be complied with before the development is occupied and thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

**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. **It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

### 3. **Breeding birds**

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.

Trees and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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<b>Application Number</b>	22/00602/AS
<b>Location</b>	Annexe at, Mersham Manor, Church Close, Mersham, Kent
<b>Grid Reference</b>	05213/39386
<b>Parish Council</b>	Mersham
<b>Ward</b>	Mersham, Sevington South with Finberry
<b>Application Description</b>	Variation of condition 9 (approved plans) on planning permission 19/01602/AS to alter the materials, height and footprint of the annexe
<b>Applicant</b>	Mr W Puxley c/o agent
<b>Agent</b>	Mr M Simmonds, Kent Planning, PO Box 277, Hythe CT21 9BG
<b>Site Area</b>	0.5 ha
(a) 7/2R/1X	(b) X (c) HE - +

The Planning Officer gave a presentation, showing plans of the design previously permitted on appeal in 2019, and the actual footprint of the now-constructed building. She included photos which illustrated the location of the building in relation to the entranceway and the local church, as well as its height. She drew Members' attention to the Update Report which contained additional information recently provided by the applicant and amended a recommended condition.

**Resolved:**

**PERMIT**

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

1. Hard and soft landscaping to be carried out in accordance with details approved under 17/01078/CONB/AS.
2. Implementation programme for landscaping to be carried out as approved under application 17/01078/CONB/AS and landscaping to be thereafter retained and if necessary replaced for 5 years.
3. Ancillary annexe condition.
4. Condition requiring windows replaced as per approved amended plans within 6 months of the date of the decision.

5. Approved plans.
6. Plans available for inspection.

**(with delegated authority to the Strategic Development and Delivery Manager or 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).**

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

The 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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<b>Application Number</b>	22/00673/AS	
<b>Location</b>	383 Hythe Road, Willesborough, Ashford, TN24 0QF	
<b>Grid Reference</b>	03041/42062	
<b>Parish Council</b>	N/A	
<b>Ward</b>	Willesborough Ward	
<b>Application Description</b>	Proposed Ground Floor Rear Extension and vehicular crossover with hardstanding.	
<b>Applicant</b>	Mr A Arora, 383 Hythe Road, Willesborough, Ashford	
<b>Agent</b>	ArorasPractice Ltd, 383 Hythe Road, Willesborough, Ashford	
<b>Site Area</b>	0.09 ha	
(a) 5/1R	(b) N/A	(c) KHS – no objection

The Planning Officer's presentation included plans of the proposed layout of the single-storey extension, its size, shape, orientation and the local road network. She drew Members' attention to the additional photographs recently supplied by the applicant, in the Update Report.

In accordance with Procedure Rule 9.3, Mr Ankar Arora, applicant, delivered a speech in support of the application.

One of the Ward Members attended and spoke in support of the application.

**Resolved:**

**PERMIT**

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

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 details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In the interests of visual amenity.

3. 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.

4. 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.

### **Working with the Applicant**

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- 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,
- adhering to the requirements of the Development Management Customer Charter.

In this instance

- 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.