

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **07th December 2022**.

Present:

Cllr. Burgess (Chair);

Cllr Blanford (Vice-Chair);

Cllrs. Bartlett, Buchanan, Campkin, Harman, Howard, Meaden, Mulholland, Ovenden, Shorter, Spain, Sparks, C Suddards.

In accordance with Procedure Rule 1.2(c) Councillors Bartlett, Buchanan and C Suddards attended as Substitute Members for Councillors Iliffe, Forest and Chilton respectively.

Apologies:

Cllrs. Bell, Chilton, Forest, Iliffe.

Also Present:

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

252 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he had attended the community liaison panel in relation to the proposed application.	255 – 22/00001/NSI P/AS
	Made a Voluntary Announcement as a Kent County Council Member, KCC had expressed views on a number of applications, however he had had no part in those deliberations.	
Buchanan	Declared that he was the Portfolio Holder for Housing. He had been involved in detailed discussions with Officers regarding the application. He would not take part in the discussion or vote on the item.	255 – 22/00569/AS

Burgess	Made a Voluntary Announcement as he had attended the Ashford Design Panel review, he had not taken part in the discussion on the application.	255 – 22/00136/AS
	Declared that he was the Deputy Portfolio Holder for Housing. He had taken no part in any discussion surrounding the application.	255 – 22/00569/AS
	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	
Campkin	Made a Voluntary Announcement as a Kent County Council Member.	255 – 22/00569/AS
Harman	Made a Voluntary Announcement as she had participated in the public discussion around the proposed application. She would address the Committee as Ward Member and not take part in the vote	255 – 22/00001/NSI P/AS
Howard	Made a Voluntary Announcement as he had attended the community liaison panel in relation to the proposed application.	255 – 22/00001/NSI P/AS
Shorter	Made a Voluntary Announcement as he knew the previous owner of the land.	255 – 22/00136/AS

253 Public Participation

The Senior Member Services Officer advised that registered public speakers had been invited either to address the Committee in person, or to have their speech read out by a designated Council Officer who was not from the Planning Department. On this occasion there were four registered speakers, three of whom were present and would deliver their speeches in person.

254 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 9th November 2022 be confirmed as a correct record.

255 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	22/00001/NSIP/AS
Location	Land at Bank Farm opposite Becketts Green, Bank Road, Aldington, Kent
Grid Reference	00513/37642
Parish Councils	Aldington, Mersham & Smeeth
Wards	Saxon Shore, Mersham & Bircholt
Application Description	Solar photovoltaic array plus energy storage with associated infrastructure and grid connection, with a generating capacity of up to 99.9MW
Applicant	EPL 001 Limited (Evolution Power), 2nd Floor, Regis House, 45 King William Street, London, United Kingdom, EC4R 9AN
Agent	Ben Lewis, Stantec, Studio 117, The Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF
Site Area	189 ha
(a) -	(b) - (c) -

The Deputy Team Leader – Strategic Applications gave a presentation detailing the site location, size, layout and proposed timespan of use. She provided further details on the projected energy generation and how that compared to other solar farm applications in the vicinity. Strategic Development and Delivery Manager drew attention to the Update Report. The Council was a consultee during the S.42 consultation process, residents were able to make representations to the Planning Inspectorate on any aspect of the process should they wish. Should a DCO application be submitted further to this consultation the Planning Inspectorate would consider whether to accept it or not.

In accordance with Procedure Rule 9.3 Mr King, a local resident, spoke in objection to the proposed application.

In accordance with Procedure Rule 9.3 Councillor Spicer from Aldington and Bonnington Parish Council, spoke in objection to the proposed application.

Further to Mr King's speech, the Principal Solicitor (Strategic Development) advised that the consultation was only a pre-application stage, that there was no application as yet, and that any questions about the application, such as the identity of the applicant, could only be considered when the application was actually made in due course.

Further to observations highlighted by the Committee, the Strategic Development and Delivery Manager undertook to extend the proposed approach to briefing Senior Members, as set out in paragraph 351 of the report, to include the Ward Members of the three immediately affected Wards - Saxon Shore, Mersham & Bircholt.

Resolved:

(A) Ashford Borough Council makes the following comments to Evolution Power in response to the s.42 pre-application consultation:

1. The Council is committed to reducing the reliance on fossil fuels and accepts that there is a compelling need, as a matter of principle, to increase renewable energy generation and consumption in order to support the Government's national agenda to reach net zero carbon by 2050. The Council therefore does not raise objection to the principle of large scale solar photovoltaic generation within the Borough subject to the appropriate siting and mitigation of any significantly harmful impacts that would arise from such development being put in place with mitigation tailored specifically and sensitively to matters of location and related context in order to minimise the impacts of development as far as possible, especially for solar schemes in a rural countryside location.

The Council;-

- (i) raises a **HOLDING OBJECTION** to the emerging proposal as detailed in the EP s.42 consultation for the reasons set out in this report and detailed further below relating to inadequate mitigation to minimise the impacts of the proposal on the rural countryside location and those matters that contribute to the character and

quality of the countryside as it presently exists and is enjoyed, and

- (ii) invites EP to consider the Council's concerns further and work pro-actively with officers to refine and amend the emerging solar scheme, and
- (iii) invites EP to then carry out a further s.42 consultation in respect of an updated scheme that seeks to address the concerns that have been raised as far as possible.

Cultural Heritage

1. Each heritage asset needs to be assessed separately, based on a true understanding of the special character of the building/asset.
2. Assessment of setting - The impact is being assessed in a quantitative way using *environmental assessment methodology and criteria outlined in the Design Manual for Roads and Bridges*. This has limited use when assessing historic buildings and structures above ground, as it provides no criteria for assessing value. The assessment of the impact on the built heritage should be a *qualitative* not a *quantitative* assessment.
3. The full ES must reference and consider the Ashford Heritage Strategy (2017) and national 2021 guidance from HE about solar farms. These two documents are relevant to this development and must be considered.
4. The Council strongly supports the comments made by the County Council Archaeologist in respect of the need for a more detailed archaeological assessment in order to ensure that the nature and character of any archaeological site is acceptably mitigated within its particular landscape setting, including any potential barrows within the site.

Landscape and Views

1. The LVIA ES chapter should include both summer and winter views for each Context View.
2. The PEIR largely follows the anticipated layout to a full LVIA and includes preliminary analysis of landscape and visual receptors, based on desk top and site assessments and anticipated impacts and effects. The PEIR references amendments to the proposals informed by consultation and the scoping exercise but details of the evolution of the scheme as informed by this process are not included in the PEIR. The role of LVIA in informing the design process is a clear requirement of GLVIA 3 (Paras 4.5 to 4.10) and an overview of this process should be included in the full LVIA.
3. The approach to mitigation using soft landscape elements is not of a proportionate scale to the significant scale of the development. Insufficient

landscape screening is proposed to be provided, particularly in open areas with long range views.

4. There is a lack of woodland block planting. Use of orchard planting will not provide the necessary scale, and the use of this landscape type in this location does not form part of the local landscape character.
5. The reinstatement of historic hedgerows and additional hedgerow planting is welcomed. Hedges should be combined with individual trees (such as oak) within and independent of hedgerow, to reflect the local landscape character. Currently the schedule lists only wetland trees associated with the East Stour River, and no trees to the rest of the development.
6. Security fencing, particularly when located next a PRoW could be better screened.
7. The provision of deeper landscaped buffers of tree planting/meadow adjacent to PRoWs, would improve landscape character and the experience for users of the PROW.
8. More consideration needs to be given to the impact on residential properties. There is a lack of mitigation proposed to the residential properties associated with Bank Farm, and to Becketts Green. Both these properties are along Roman Road, which is open and relatively flat in character, allowing for long views. A detailed appraisal on all the residential properties impacted by the development should be provided.
9. The Council wishes to stress that in (i) order to minimise the impacts of any lighting associated with proposed security CCTV this must not be white light CCTV and should be infra-red CCTV and (ii) CCTV must be positioned so as to not intrude on the privacy of any nearby residents.
10. The Council considers that it is essential that from a landscape and visual perspective, the prospective applicant's LVIA must directly consider the potential cumulative impacts associated with the East Stour Solar Farm proposals subject of planning application 22/00668/AS that is being considered by the Council including the LVIA, photomontages and layout plans submitted with that application.

Biodiversity

1. The Council fully endorses the s.42 consultation response of the KCC biodiversity officer.

Water Environment

1. The Council fully endorses the s.42 consultation response of KCC in respect of matters related to the water environment.

Land contamination

1. A watching brief must be maintained during construction and decommissioning works and reported to ABC Environmental Health before works continue.

Socio-Economics

1. The Council considers that in terms of employment impacts the applicant needs to provide an Assessment of the impacts of the proposal on the local agri-economy.
2. The Council encourages the applicant to consider combining the proposed solar farm with agriculture ('agrivoltaics') given the potential benefits of that approach to local agricultural employment.

Traffic and Access

1. The Council fully endorses the s.42 consultation response of KCC Highways and Transportation in respect of traffic and access matters.

Noise

1. Given that noise levels are predicted to be low with plant located away from the boundaries of the site and the proposed noise assessment will consider planning policies and local and national guidance, standards and documentation and use BS4142 and BS5228, the Councils Environmental Health Officer is satisfied with the information provided within the PEIR and raises no objections.

Climate Change

No comments

Cumulative Effects

1. As per the Landscape and Views comments above, cumulative impacts are not directly addressed in the landscape and visual chapter. The LVIA should consider the potential cumulative impacts associated with the neighbouring East Stour Solar Proposals (planning application reference 22/00668/AS). Given the combined extents and similarity of the schemes this is considered to be of particular importance in this instance and there is a full LVIA including photomontages available for the East Stour scheme that needs to be considered.

Community Benefits

1. The Council notes and supports the principle of the scheme potentially helping deliver an enhanced/upgraded off-road connection between Aldington and Mersham but considers it essential that (i) such connection needs to be discussed more fully with residents and rambling groups and (ii) that which is proposed within the identified application must be embedded within a cohesive design for the site that seeks to minimise the landscape impacts of the proposed development.
2. The Council would wish to understand from the applicant how the proposed inflation-linked £40,000 annual sum (for the duration of the lifetime of the project) has been derived including any details of valuation comparables from other solar farm schemes that have informed the applicant's stated Community Benefit Fund offer.

(B) Delegated Powers

That authority be delegated to the Strategic Development and Delivery Manager or the Assistant Director Planning and Development, to make any necessary adjustments to the Council's comments as detailed above as may, in their opinion, be required.

Application Number	22/00136/AS
Location	Liberty Barn, Canterbury Road, Brabourne, Kent
Grid Reference	Easting (x) 610832; Northing (y) 142188
Parish Council	Brabourne
Ward	Bircholt
Application Description	Proposed erection of an off-grid residential dwelling (under paragraph 80 of the NPPF) utilising existing access. Alterations to existing barn, removal of stables and landscape enhancement works to wider site.
Applicants	Mr Alex Richards and Dr Caroline Richards
Agent	Mr Alex Richards
Site Area	25 acres (including the land included within the blue line) 4150sqm approx. (area of land within the red line)

The Deputy Team Leader – Planning Applications gave a presentation detailing the site location, proposed layout, floorplans, site access and connection to the Kent Downs Area of Outstanding Natural Beauty.

In accordance with Procedure Rule 9.3 Mr Richards, the applicant, spoke in support of the application.

In accordance with Procedure Rule 9.3, Cllr Harbottle from Brabourne Parish Council, had registered to speak in objection to the application. He had elected to have his speech read by the Senior Member Services Officer

Resolved:

The Assistant Director of Planning and Development, the Strategic Development and Delivery Manager or the Planning Applications and Building Control Manager be authorised to grant planning permission subject to the following:-

- A: The applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director for Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer, and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning conditions or planning obligations as they see fit to secure the required mitigation.**
 - B: The applicant submitting information to enable the Assistant Director of Planning and Development, the Strategic Development and Delivery Manager or the Planning Applications and Building Control Manager to be satisfied that the application includes sufficient measures and provision to ensure that the proposed dwelling can operate entirely independently of the National Grid and using only renewable energy sources.**
 - C: Such conditions and Notes as may be necessary subject to approval by the Assistant Director of Planning and Development, the Strategic Development and Delivery Manager or the Planning Applications and Building Control Manager.**
 - D: Any necessary obligations that, in the opinion of the Assistant Director of Planning and Development, the Strategic Development and Delivery Manager or the Planning Applications and Building Control Manager, are required to be secured under Section 106 of the Town and Country Planning Act 1990.**
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Application Number	22/00569/AS
Location	240 Beaver Road, Ashford, Kent, TN23 7SW
Grid Reference	600691/141424
Parish Council	Central Ashford
Ward	Norman
Application Description Applicant	Convert 3-bedroom 2-storey house to 2 self-contained flats single occupancy, for social housing Ashford Borough Council
Agent	Head of Housing – Development & Regeneration
Site Area	0.03 ha

Resolved:**Permit**

Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director for 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 conditions as they see fit to secure the required mitigation, resolve to grant planning permission subject to the imposition of 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 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 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 The development shall be carried out in accordance with the details of external materials specified in the application form and the approved plans which shall not be varied without the written approval of the Local Planning Authority.

Reason: In the interest of the visual amenity of the locality.

Informative

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. Proposed additional Informative:

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Queries concerning these minutes? Please contact Member Services:
Telephone: 01233 330499 Email: membersservices@ashford.gov.uk
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