

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th August 2016**

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Bradford, Clarkson (ex officio), Dehnel, Mrs Dyer, Galpin, Krause, Murphy, Ovenden, Powell, Waters, Mrs Webb, Wedgbury.

### Apologies:

Cllrs. Apps, Chilton, Clokie, Heyes.

### Also Present:

Cllr. Hicks.

Joint Development Control Manager, Senior Planning Officer, Senior Solicitor (Strategic Development), Member Services and Ombudsman Complaints Officer.

## 108 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.	
Mrs Blanford	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society and the Campaign to Protect Rural England, neither of whom had commented on any item on the agenda.	
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.	
Clarkson	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.	

## **109 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> July 2016 be approved and confirmed as a correct record.**

## **110 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 indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

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

**decisions be made in respect of Planning Applications as follows: -**

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<b>Application Number</b>	15/00203/AS	
<b>Location</b>	1 Primrose Cottages, Lenham Heath Road, Lenham, Maidstone, Kent, ME17 2BT	
<b>Grid Reference</b>	91817 / 49585	
<b>Parish Council</b>	Charing	
<b>Ward</b>	Weald Central	
<b>Application Description</b>	Erection of single storey rear extension (retrospective)	
<b>Applicant</b>	Ms M Froud, 1 Primrose Cottages, Lenham Heath Road, Lenham, Maidstone, Kent ME17 2BT.	
<b>Agent</b>	N/A	
<b>Site Area</b>	0.0079ha	
(a) 2/9R, 4S , 1+	(b) S	(c) -

The Joint Development Control Manager drew Members' attention to the Update Report which summarised further supporting information and updated plans from the applicant.

In accordance with Procedure Rule 9.3, Mr Ormay, a neighbour, spoke in objection to the application. He had lived at the property for three years with this ongoing issue. There was originally an old conservatory in a bad state of repair and this had been replaced by the applicant without seeking planning permission or undertaking any consultation with the immediate neighbours. The next extension had been built across both walls, and was now coming over Mr Ormay's side of the boundary. He had engaged a reputable firm of chartered surveyors who wrote to the applicant to advise that the applicant had infringed their neighbours' rights, not conformed to planning laws and ignored the Party Wall Act 1995. This matter was considered at Planning Committee last year. It was hoped that the decision to install parapet guttering would put an end to hostilities but the applicant said that parapet guttering could not be installed. The applicant had submitted plans which still did not address the maintenance of the guttering and tiles without trespass into the Ormay's property. The newly submitted plans replicated the previous building. Such poor design of the previous building, in particular the guttering, had led the wooden frames to rot, and the applicant had cited this factor as a support comment in describing the old building as dangerous. Mr Ormay drew Members' attention to figure 9 of the Officer's report, where it was evident that the guttering was broken and hanging into his land. The water marks on Mr Ormay's side of the boundary

indicated that the problem had existed for many years. Mr Ormay drew Members attention to the picture of a broken tile sliding onto their patio. The parapet guttering was an achievable, practical and workable solution to the problem of maintenance and Mr Ormay was willing to give access to approved contractors to complete the works. The current building had been sitting on and over Mr Ormay's side of the boundary without planning permission for two years. The new design was ill-conceived, with poor attention to detail and disregard to maintenance of the guttering tiles. Mr Ormay was under no obligation to allow the applicant onto his property to build in accordance with the newly submitted plans. He would not be made responsible for the applicant's guttering or tiles. He urged Committee Members to vote once again for parapet guttering as a suitable resolution and he would allow access for such works to be complete. He also requested Members make a site visit.

**Resolved:**

**Refuse**

**on the following grounds:**

1. The proposal would be contrary to Policies CS1 & CS9 of the Local Development Framework Core Strategy 2008, Policy TRS17 of the Tenterden and Rural Sites DPD 2010 and policy HG9 of the Ashford Borough Local Plan 2000, and would therefore represent development contrary to interests of acknowledged planning importance, for the following reasons:
  - (a) The extension by virtue of its design, form and materials would not be sympathetic to the design and scale of the existing dwelling and would result in a visually intrusive building in the landscape.
  - (b) The standard of the build, in the absence of a suitable method to allow drainage from the structure within the application site, would result in future maintenance problems and potential water ingress to the neighbouring property that would adversely affect the residential amenity of the occupants of as well as their enjoyment of the adjoining property.

**Notes to Applicant**

1. Working with the applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,

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

In this instance:

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. It is the unanimous view of the Planning Committee that following the refusal of planning permission officers are to pursue enforcement action for the removal of the structure as it has been built without the benefit of planning permission. The applicant is, however, reminded of the previous resolution of the Planning Committee of June 2015 seeking details of a suitably designed parapet gutter design as well as an improved treatment of the side elevation. The Planning Committee still considers this would result in an acceptable development. Within a period of 6 months from the date of this decision the applicant is encouraged to seek to resolve the situation with the neighbouring property by way of meeting the requirements of the June 2015 resolution both in relation to the submission of the information, its approval by all parties and the execution of the works. If the matters cannot be resolved within this timeframe then the Council will pursue enforcement action.

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<b>Application Number</b>	16/00996/AS
<b>Location</b>	Hayesbank, 18 Canterbury Road, Ashford, Kent, TN24 8JX
<b>Grid Reference</b>	601079/14516
<b>Parish Council</b>	None
<b>Ward</b>	Stour (Ashford)
<b>Application Description</b>	Change of use of existing bed and breakfast into a 12 bedroom HMO (House in Multiple Occupation) and a 1

bedroom self-contained flat.

**Applicant** Mrs P Putta, 29 Canon Woods Way, Ashford, Kent  
TN23 9QY

**Agent** Aroras Practice Ltd, Suffolk House, 383 Hythe Road,  
Willesborough, Ashford, Kent, TN24 0QF

**Site Area** 472.12 m<sup>2</sup>

(a) 27 / 2R (b) - (c) KH&T X; EH X; ABC  
Housing -

The Joint Development Control Manager drew Members' attention to the Update Report which summarised an additional representation received from a local resident.

**Resolved:**

**Refuse**

**on the following grounds:**

1. The proposal would be contrary to Policies CS1, CS9 and CS15 of the Local Development Framework Core Strategy 2008, policies HOU3 & HOU12 of the consultation draft Local Plan to 2030, advice contained in the Technical Housing Standards – Nationally Described Space Standards 2015 and the National Planning Policy Framework 2012 (NPPF) and would therefore represent development contrary to interests of acknowledged planning importance, for the following reasons:
  - (a) The need for parking generated by the development together with the lack of on-site parking provision would lead to a demand for parking in the locality that would conflict with existing parking resulting in an unacceptable increase in on street parking and subsequent traffic congestion to the inconvenience of existing residents to the detriment of their amenity.
  - (b) The proposed HMO use and its intensity would result in inappropriate development that would unduly harm the living conditions of neighbouring residents through noise and disturbance from the number and transient nature of the occupants together with issues associated with the intensity of use such as bin collection, resulting in harm to both the visual and residential amenity of both existing and future residents.
  - (c) The self-contained flat is of poor design by virtue of failing to provide an acceptable standard of accommodation

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- 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 and 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.

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<b>Application Number</b>	16/00519/AS
<b>Location</b>	1, 2, 5, 6, 8, 9, 10, 11 and 12 Downsview Cottage, Westwell Lane, Westwell, Ashford, Kent, TN25 4LE.
<b>Grid Reference</b>	98860/47427
<b>Parish Council</b>	Westwell
<b>Ward</b>	Downs West
<b>Application Description</b>	Recladding of existing external walls with rendered finish
<b>Applicant</b>	Community and Housing, Ashford Borough Council
<b>Agent</b>	NA

**Site Area** 0.67 Ha

(a) 7/- (b) Parish Council X (c) NA

**Resolved:**

**Permit**

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 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.



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

In this instance

- the application was acceptable as submitted and no further assistance was required.
  - The application was considered by the Planning Committee where the applicant had the opportunity to speak to the committee and promote the application.
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Queries concerning these Minutes? Please contact Rosie Reid: Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk).

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