

Figure 1 - Site Location Plan

Proposal

4. Retrospective full planning permission is sought for the erection of palisade fencing and gates to surround the application site. The application is retrospective as it was necessary to erect the fencing for safety and security purposes. The height of the fencing is 2.4m. The area has fallen into a state of disrepair and is prone to theft, arson etc. A Public Spaces Protection Order (PSPO) is soon to be put in place which has been out for public consultation. PSPOs specify an area where activities are taking place that are or may likely be detrimental to the local community's quality of life, and impose conditions or restrictions on people using that area.
5. Fencing runs along the south, north and western sides of the plots and does not run along the boundary with the river. There are two 1m wide pedestrian gates at the south and north areas with a 4m wide vehicle gate at the southwest corner of the site.



Figure 2 - aerial view showing fence/gate positioning

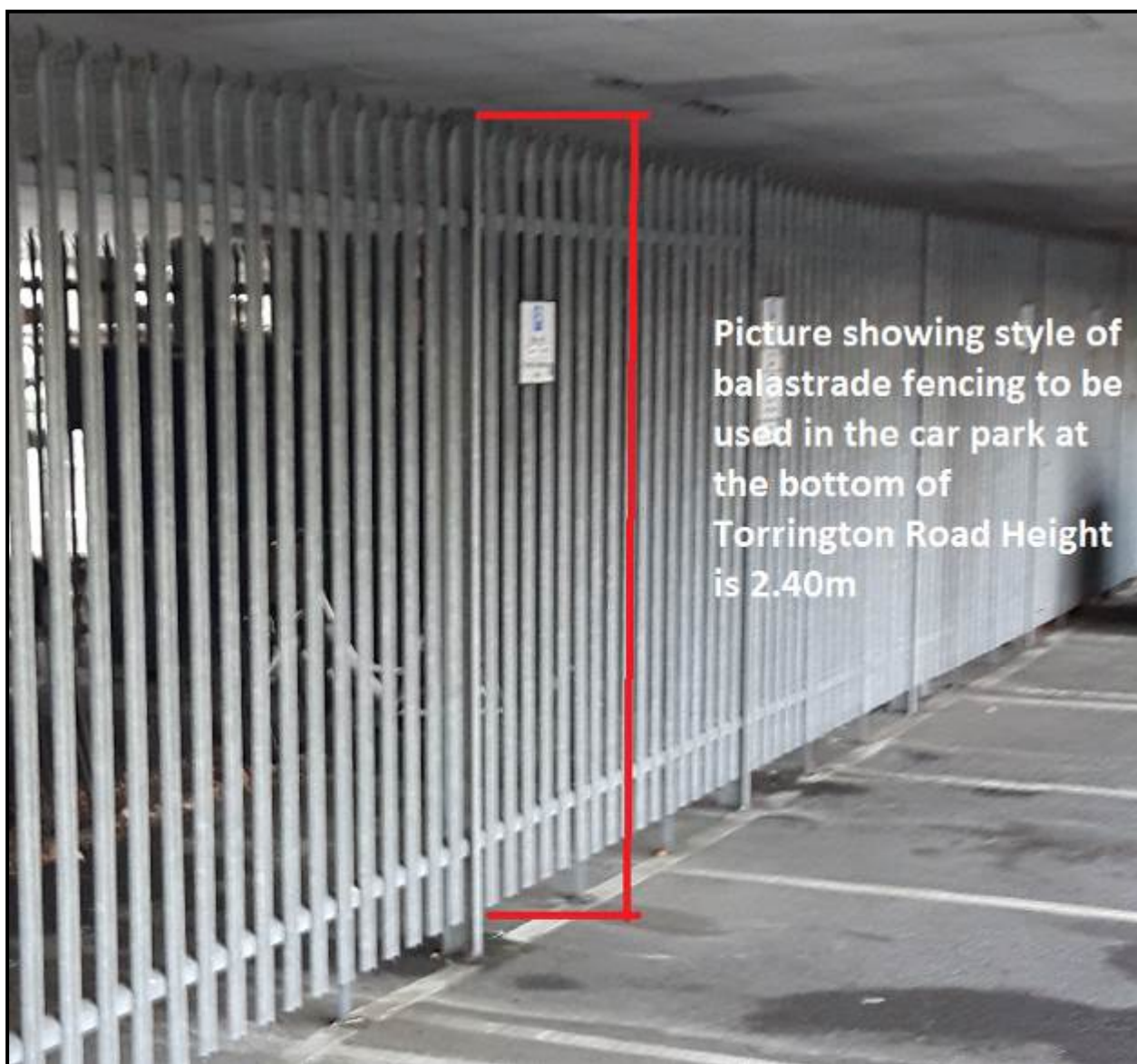


Figure 3 - example of style of fencing previously used elsewhere

Planning History

There is no recent relevant planning history

Consultations

Ward Members: The Ward Members for Victoria Ward are both members of the Planning Committee

Neighbours: 8 neighbours consulted; no representations received to date

KCC PROW: Consulted; no formal representation received to date (comment expiry date 10.12.16) and Members will be updated at the Planning Committee. They have been in correspondence regarding the proposed PSPO. Until such time that the PSPO is formally in place, a formal representation would not be made. Members will be updated accordingly at the meeting.

Ramblers Association: Consulted; no representation received to date (comment expiry date 10.12.16) and Members will be updated at the Planning Committee.

The application has been advertised in the newspaper and the date for comments expires the day after the planning committee. The recommendation can be amended to reflect this to ensure that a decision is not issued until this time period has expired.

Planning Policy

6. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
7. The relevant policies from the Development Plan relating to this application are as follows:-

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles for Sustainable Development and High Quality Design

CS9 – Design Quality

Local Plan to 2030

SP1 Strategic Objectives

SP6 Promoting High Quality Design

Government Advice

National Planning Policy Framework (NPPF) 2012

8. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Assessment

9. The main issues for consideration are:

- Visual amenity
- Residential amenity
- Highway safety
- Flooding

Impact on Visual Amenity

10. Whilst of an industrial style, the fence is of an appropriate design, scale and height for its function and in relation to the surrounding area. Given the location of part of the fence on the southern boundary, the fence will be visible from within the public realm. However, the fence will be partially set back from the highway behind existing trees/hedging and it is of note that there is also a metal gate serving the parking area used by the neighbouring community centre. I am therefore satisfied that no visual harm is caused to visual amenity.

Impact on Residential Amenity

11. There is a distance of between 18m and 27m to the nearest residential properties on Riversdale Road and on the corner of Torrington Road and Riversdale Road. Given these distances and the nature of the proposal, I do not consider any harm is caused to residential amenity as a result of the development.

Impact on Highway Safety

12. The area is a piece of land with no parking use. The erection of the fencing will not prevent any parking on the existing roads and within the community centre who have their own parking facilities. I therefore do not consider the development to be harmful to highway safety.

Impact on Flooding within the Area

13. The area is within flood zones 2 & 3. However, given the nature of the development, I do not consider there will be an increase of flooding to the area.

Human Rights Issues

14. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

15. 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

16. In light of the above I am satisfied that the proposed development would comply with the requirements of DP policy and therefore I recommend that planning permission is granted.

Recommendation

(A) Subject to:

- a. The expiration of the statutory time period for the publicity of the application
- b. No further material planning objections being received from representations

(B) Permit

Subject to the following conditions and notes:

1. 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 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 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.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01646/AS.

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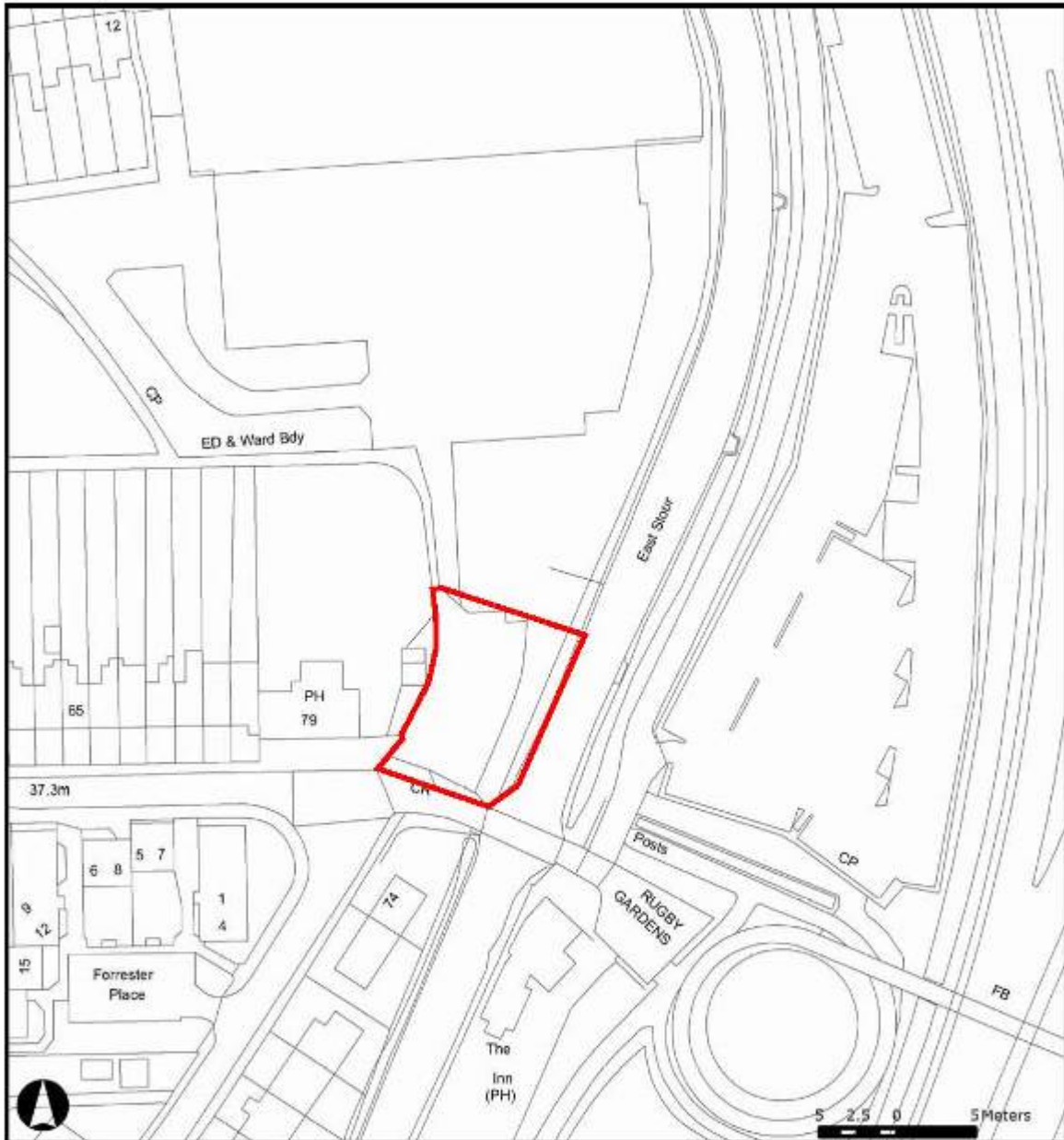
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Annex 1



Ashford Borough Council



**Land at Torrington Road, Ashford, Kent.
Site Location Plan
Drawing No 2016-101**

**Nov 2016
Scale 1:1250**

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