

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18th January 2017**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Apps, Bennett, Mrs Blanford, Bradford, Clarkson (ex officio), Clokie, Dehnel, Mrs Dyer, Farrell, Galpin, Heyes, Hicks, Murphy, Ovenden, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii), Cllrs Mrs Dyer and Hicks attended as Substitute Members for Cllrs Krause and Powell respectively.

### Apologies:

Cllrs Krause, Powell.

### Also Present:

Cllrs. Buchanan, Mrs Webb.

Joint Development Control Manager; Head of Development, Strategic Sites and Design; Director of Development; Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 266 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	269 – 16/01515/AS
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.	269 – 16/01515/AS
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	269 – 16/01515/AS
Clarkson	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	269 – 16/01515/AS

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Clokie	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, and	269 – 16/01515/AS
	Made a Voluntary Announcement as the applicant was known to him.	269 – 16/01626/AS
Mrs Dyer	Made a Voluntary Announcement as she was a Trustee of Smarden Charter Hall.	269 – 16/01515/AS
Galpin	Made a Voluntary Announcement as he was a committee member of Ashford Access, and	269 – 16/01696/AS
	Made a Voluntary Announcement as his brother in law lived around the corner, and	269 – 16/01560/AS
	Made a Voluntary Announcement as the applicant was known to him, and	269 – 16/01626/AS
	Declared that he was the Portfolio Holder for Town Centres Focus & Business Dynamics and had been closely involved in the decision to make this application. He would make a statement and leave the Chamber for the debate and vote.	269 – 16/10696/AS
Heyes	Made a Voluntary Announcement as the applicant was known to him.	269 – 16/01626/AS
Wedgbury	Made a Voluntary Announcement as the applicant was known to him.	269 – 16/01626/AS

## **267 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 14<sup>th</sup> December 2016 be approved and confirmed as a correct record.**

## **268 TPO/16/00009 - Confirmation of Tree Preservation Order No.9 2016 - Trackway adjacent to Old Bungalow, Maidstone Road, Hothfield, Ashford, Kent, TN26 1AR**

### **Resolved**

**That the Tree Preservation Order be confirmed.**

## **269 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>	16/01515/AS	
<b>Location</b>	Land between Smarden Charter Hall and Weathercock, Pluckley Road, Smarden, Kent	
<b>Grid Reference</b>	88695 / 42488	
<b>Parish Council</b>	Smarden	
<b>Ward</b>	Weald North	
<b>Application Description</b>	Outline planning application for up to 25 residential dwellings with all matters reserved except for access.	
<b>Applicant</b>	Gladman Developments Ltd	
<b>Agent</b>	Gladman Developments Ltd	
<b>Site Area</b>	2.27 ha	
(a) 121/ 3S, 16R Smarden Charter Hall Trustees – S Charing Surgery - R	(b) S	(c) NE -, KH&T - X, KCC (SUDS) - X; KCC (Eco) –R, KCC (Her) – X, KCC (PRoW) - X, RA – X, WKPS – S, SW - +, PO - X, HM – X; EH (EP) - X, Headcorn Aerodrome - +; Stagecoach - S

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There were amendments to the text of paragraphs 44, 48 and 60, an addition under representations and a further letter of objection from a local resident.

In accordance with Procedure Rule 9.3, Mr Bullock, a local resident, spoke in objection to the application. He recognised that the Parish and Borough Councils were in a difficult position. Residents wished to see developments of small numbers of mixed use housing over two or three sites in the village. This development was not being opposed by the Parish Council due to concern over possible future implications which might arise. The concern was that if this application for 25 houses was not supported, a Planning Inspector might allow a future application for 50 houses on appeal. Mr Bullock emphasised that residents were not against development per se, but just wanted control and balance. The reasons the Council

put forward for not allowing 50 houses previously still remained valid for not now allowing 25 houses to be built at one time on one location, rather than spread around the village between now and 2030. A previous Planning Committee gave a long list of reasons why 50 houses was not acceptable, and Mr Bullock hoped Members would revisit those reasons now before considering any approval. The key issues were still the visual impact on the entrance to the village, and the configuration of new development with regard to listed buildings nearby. The access point was considered dangerous, and there was no room for the proposed bus-stop. The village was already congested, with single lane access through the centre and day time parking along the street, and this congestion would only get worse. There were no places available at local doctors' surgeries and primary schools.

In accordance with procedure Rule 9.3, Ms Ellison spoke on behalf of Smarden Parish Council in support of the application. She confirmed that the Parish Council were supporting the emerging Local Plan, which allowed for up to 25 houses in the Parish up to 2030. The only site allocated as sustainable and suitable for houses in the village was this application site. The Parish Council's hand had been prematurely forced before due process had taken place, and for this reason only the Parish Council were forced to accept this application, although some residents objected to the proposals. In different circumstances the Parish Council would have preferred the housing to have been allocated to a number of different sites. The Parish Council also supported the attached conditions to the application and did not want to see them watered down. An appeal was pending by the developer for 50 houses on this site which the Parish Council would vigorously oppose if the appeal went ahead, using the emerging Local Plan. The Parish Council strongly suggested that the developer should withdraw the appeal as the proposed numbers were unsustainable, and the application was totally against the will of the Parish. Should the developer receive permission for 25 houses, it was considered that the landowner and developer had a duty of care to Smarden to drop the appeal. In the light of the above, the Parish Council was not objecting to this application for 25 houses on this site.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. The provision of affordable housing, allotments, carbon off-setting, cemeteries, children's and young people's play space, health care, libraries, outdoor sports pitches, secondary schools, strategic parks, voluntary sector**
  - b. Monitoring fee**

**as detailed in table 1, in terms agreeable to the Head of Development, Strategic Sites and Design or a Joint Development Control Manager in consultation with the Director of Law and Governance, with delegated authority to the Head and Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.**

**Table 1**

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>35%</b> of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (1 x HABINTAG ), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p><b>60%</b> affordable rent units</p> <p><b>40%</b> shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p>
<p><b><u>Allotments</u></b></p> <p>Contribution towards provision of or improvements to allotments and associated facilities in the area and maintenance thereof</p> <p><b>Project:</b> Upgrade allotments in adjoining settlement of Egerton or</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
provide new allotments in the village.		
<p><b><u>Carbon Off-Setting Contribution</u></b></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years. To be spent on carbon reduction project at The Charter Hall.</p>	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD	Payable on the occupation of each dwelling or building
<p><b><u>Cemeteries</u></b></p> <p>Contribution towards provision of or improvements to cemeteries and associated facilities in the borough and maintenance thereof</p> <p><b>Project:</b> Contribution towards extension of existing parish council run non-denominational burial ground</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
<p><b><u>Children's and Young People's</u></b></p> <p>Contribution towards provision of or improvements to children's and young</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
<p>people's play space and associated facilities in the area and maintenance thereof</p> <p><b>Project:</b> Upgrading and extending play equipment to play area adjacent to Tennis Court</p>		
<p><b><u>Health Care</u></b></p> <p>Contribution towards health care services and/or facilities in the area</p>	<p>£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1008 for each 3-bed dwelling £1260 for each 4-bed dwelling £1728 for each 5-bed dwelling or larger</p> <p>£0 for any affordable units</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
<p><b><u>Libraries</u></b></p> <p>Contribution for improving library service capacity in mobile and fixed libraries in the borough and for providing additional book stock and equipment</p> <p><b>Project:</b> Contribution towards mobile library service attending Smarden</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
<p><b><u>Monitoring fee</u></b></p> <p>Contribution towards the</p>	<p><b>£1000</b> one-off</p>	<p>Payment upon</p>



<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
Council's costs of monitoring compliance with the agreement or undertaking	payment	commencement of development
<p><b><u>Outdoor sports pitches</u></b></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities in the area and maintenance thereof</p> <p><b>Project:</b> Contribution towards the cricket pitch at The Minnis and football pitch at Cornes Meadow both on remedial drainage. Alternatively resurfacing on the tennis court at The Minnis</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
<p><b><u>Secondary Schools</u></b></p> <p>Contribution towards additional secondary school places</p> <p><b>Project:</b> New accommodation at Homewood School</p>	£2359.80 for each applicable house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<p><b><u>Strategic Parks</u></b></p> <p>Contribution towards provision of strategic parks and associated facilities and maintenance thereof</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
<b>Project:</b> Bridge connection at Conningbrook		
<p><b><u>Voluntary Sector</u></b></p> <p>Contribution towards the building of capacity in the voluntary sector in the borough</p> <p><b>Project:</b> Communications system for Good Neighbour Scheme and generator at The Charter Hall</p>	<b>£83</b> per dwelling	Upon occupation of 75% of the dwellings
<p><b>Notices</b> will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be <b>index linked</b> as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The <b>costs</b> and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>		

**(B)** Grant Outline Planning Permission

Subject to the following conditions and notes:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
  - (B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. An Access and Design Statement shall be submitted to accompany the details pursuant to Condition 1 and shall include, through appropriate text, diagrams and plans, the following:
  - (i) The urban design principles informing the detailed layout, design, architectural style and creation of key areas of character in relation to the proposed built environment together with the approach taken in regard to vehicle parking and its integration as a key design layer;
  - (ii) The design approach taken in respect of issues of structural landscaping, ecological protection and enhancement, opportunities for enhancement of bio-diversity and controlling rainfall run-off at source through SUDS;
  - (iii) The energy efficiency measures incorporated into the detailed design of new dwellings, the facilities incorporated into designs to accommodate the storage of refuse and material for recycling for each dwelling, and
  - (iv) Details of those areas of the site intended to be adopted by Kent County Council as part of the public highway network, those areas to be maintained by management company/trust, and those areas to be sold to private occupiers.
  - (v) A landscape character and visual impact assessment.

**Reason:** To establish a core document that sets out the comprehensive approach to the proposed design of the development in accordance with the principles set out in the NPPF and Policy CS1 of the core Strategy.

4. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor

accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with Nationally Described Space Standards and the Council's adopted Residential Space Standards for external space or any other standard agreed by the Local Planning Authority.

**Reason:** To ensure the scale of the new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

5. Prior to the commencement of the development the applicant, or their agents or successors in title, will secure the implementation of a programme of geo-archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF.

6. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. Further archaeological investigation, recording and reporting, determined by the result of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### Highways

7. (A) Prior to the commencement of development the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development:
- The footways and associated visibility splays in Pluckley Road, with no obstructions over 0.6m above footway level, as shown in plan GA021-003-001
  - The access and associated visibility splays with no obstructions over 1m above carriageway level, as shown on plan GA021-003-001

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(B) Prior to the first occupation of the dwellings the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter retained for the duration of the development

- Measures to prevent the discharge of surface water onto the public highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority
- Use of a bound surface for the first 5m of any accesses from the edge of the highway

**Reason:** In the interests of highway safety.

8. Details of vehicle parking facilities (that accords with the Council's adopted Residential parking and design Guidance SPD or any other standards agreed with the local planning authority and clearly shows which spaces relate to which unit as well as those that are communal /visitor spaces) shall be submitted to and approved in writing by the Local Planning Authority at the same time as the submission of details pursuant to Condition 1. The approved facilities shall be provided prior to the development to which they relate being occupied. Thereafter, the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.

**Reason:** To ensure the provision and retention of adequate street parking.

9. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

**Reason:** To ensure than no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

10. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of the development.

**Reason:** To ensure provision of adequate parking, loading and turning facilities for vehicles in the interest of highway safety and to protect the amenities of local residents in accordance with the policy.

11. Prior to works commencing details of the form and location of any proposed temporary works compounds shall have been submitted to and approved by the Local Planning Authority in writing and thereafter such compounds shall only be provided in accordance with such approval.

**Reason:** To ensure that the location of any necessary compounds is appropriate in terms of residential amenity, impact upon trees, protected and important species and the biodiversity capacity of the site.

12. Before the construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:

- i) Code of Construction Practice;
- ii) Hours of working for construction;
- iii) The management and location of utility services within the development;
- iv) The provision of centralised telecommunications and television and radio reception and limitations to external aerials within the development;
- v) The routing of construction vehicles and provision of appropriate signing.

These matters approved shall then be implemented as approved.

**Reason:** To ensure the protection of amenity during and following development.

13. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

**Reason:** To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interest of highway safety and to promote cycle use in the interest of facilitating more sustainable patterns of movement related to local trips.

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14. Before any works commence on site, a survey of the development site as existing, in accordance with the provisions of BS 5837 (Trees in relation to construction – Recommendations (2005)) shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings required to be submitted pursuant to Condition 1 and shall include, as appropriate, the following information at a suitable scale:

- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75 mm or greater at a point 1,5 metres above ground level.
- (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
- (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing of existing tree protection.
- (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
- (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
- (f) Existing boundary treatments and forms of enclosure.
- (g) Existing structures, services and other artefacts, including hard surfaces.
- (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- (i) Route of existing footpaths and public rights of way on and adjoining the site.
- (j) North point and scale.

**Reason:** To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

15. In this condition "retained tree" means an existing tree which is

to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its/their permitted use(s).

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.

(b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time,

as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations of BS5837 (2005) and the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

16. No trenches for underground services or foundations shall be commenced within the BS5837 root protection areas of trees identified as being retained or within 5 metres of any hedgerows without the prior consent of the Local Planning Authority in writing.

**Reason:** To prevent damage to trees and hedgerows on the site.

17. No cutting operations shall be carried out between 31<sup>st</sup> March and 31<sup>st</sup> August in any year.

**Reason:** In the interests of good forestry and to protect wildlife to accord with the requirements of the Wildlife and Countryside Act 1981.

18. All trees planted shall be protected against stock and rabbits when planted and such protection shall be maintained at all times.



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**Reason:** In the interests of good forestry and amenity.

19. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

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

20. A landscaping scheme for the site (which may include 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. This scheme shall include the creation of a new hedge and tree boundary along the eastern boundary of the site to screen the development from open countryside. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully prior to the occupation of any part 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.

21. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

22. The details of soft landscape works required in condition **21.** above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

23. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

24. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

25. Written details and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced and the development shall be carried out using the approved external materials.

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

26. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation on any of the units.

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

27. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to

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which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent other Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

**Reason:** To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

28. The details submitted pursuant to Condition 1 shall show the provision of a water butt to all dwelling houses and any single flats provided with a private amenity space.

**Reason:** To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for water on site.

29. A masterplan setting out:

- a) phasing of development;
- b) the dwelling type;
- c) dwelling mix and associated residential floorspace per dwelling;
- d) location of the public open space;
- e) location of SUDS features;
- f) access and circulation routes through the site also showing points of connection with the existing PROW along the western boundary of the site

shall be submitted pursuant to Condition 1 of this permission and the development shall be carried out in accordance with the approved masterplan unless otherwise previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the type, mix and associated quantum of residential floorspace is appropriate for the site and is in accordance with good place making principles (including acceptable sustainable drainage, space standards and parking provision).

30. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. The oil interceptor shall be appropriately maintained and retained in perpetuity.

**Reason:** To prevent pollution of the water environment.

31. None of the dwellings shall be occupied until works for the disposal of sewerage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water Services) at the same time as the details required pursuant to Condition 1 and such approved works shall be appropriately retained and maintained in perpetuity.

**Reason:** To avoid pollution of the surrounding area.

32. Details of a scheme for the protection and enhancement of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife such as green corridors, ponds and swales and wildflower planting corridors wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to the Local Planning Authority at the same time as the details pursuant to Condition 1 and shall be approved in writing. The approved scheme shall be fully implemented prior to the occupation of the final dwelling on the site and thereafter maintained.

**Reason:** In order to ensure the development builds in opportunities for beneficial biodiversity as part of good design.

33. No development shall take place (including ground works) until an ecological mitigation strategy for protected and notable species has been submitted to and approved in writing by the Local Planning Authority. The content of the strategy shall include the:
- a) Identification of ecological impacts, informed by new and/or updated ecological surveys for badger, bats, dormice, reptiles and great crested newts;
  - b) Purpose and objectives of the proposed works;
  - c) Detailed design(s) and/or working methods(s) necessary to achieve stated objectives;
  - d) Extent and location of proposed works, including the receptor site, shown on appropriate scale maps and plans;
  - e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- f) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;
- g) Ongoing monitoring provision.

The works shall be carried out strictly in accordance with the approved details.

**Reason:** In the interests of the biodiversity of the site

34. A Biodiversity Management Plan (BMP) shall be submitted to, and be approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the BMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions (including an annual work plan capable of being rolled forward over a five year period);
- f) Details of the body or organisation responsible for implementation of the plan;
- g) Ongoing monitoring and remedial measures.

The BMP shall also include details of the legal and funding mechanisms by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

**Reason:** In the interests of securing appropriate ecological mitigation for the development

35. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works,
  - b) B) Review of site potential and constraints,
  - c) Detailed design (s) and / or working method(s) to achieve stated objectives.
  - d) Extent and location /area of proposed works on appropriate scale maps and plans,
  - e) Type and source of materials to be used where appropriate eg. native species of local provenance,
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development,
  - g) Persons responsible for implementing the works,
  - h) Details of initial aftercare and lone term maintenance
  - i) Details of monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In the interests of securing biodiversity on the site

36. Prior to the occupation of any of the units, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of formalised bus stops in Pluckley Road, which shall be designed to the latest accessibility requirements.

Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing.

**Reason:** In order to enhance public transport links to the site.

37. No development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall

demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of through the methods detailed in the submitted Flood Risk Assessment.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**Reason:** To ensure that the principles of sustainable drainage are incorporated into the proposals and to ensure ongoing efficacy of the drainage provisions.

38. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency. This may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

**Reason:** To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 (as amended) or any other Order or any subsequent Order revoking or enacting that Order, any car barns provided in accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

**Reason:** To ensure the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

40. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (an/or thresholds with shallow ramps where level thresholds cannot be provided).

**Reason:** To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

41. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described in Use Class C3 of the Town and Country Planning Use classes Order 1987 as amended.

**Reason:** In order to preserve the amenity of the locality.

42. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

**Reason:** To ensure that the risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (LDF Core Strategy Policy CS1 and CS4).

43. Prior to the commencement of development herpatile exclusion fencing shall be erected on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained as an effective barrier preventing the movement of herpatiles and shall remain in situ until the completion of the development.

**Reason:** To ensure that European and UK protected species are not harmed as a result of the development.



44. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from The Charter Hall in accordance with the Noise Report submitted with this application shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

45. **Reason:** In order to protect the occupiers of the dwellings from undue disturbance by noise. Before development commences, details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to all dwellings. This shall provide sufficient capacity to cater for all the development. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

**Reason:** To help future proof the development

46. 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.

### Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

2. 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 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, which were found to be acceptable and permission was granted
  - The applicant was provided with 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.
3. This grant of permission does not give any legal right to carry out the development on, over or under the land of another person or contrary to the rights of any such person. If there is any doubt, the applicant should seek his/her own independent legal advice before implementing the planning permission.
  4. This grant of permission does not give any legal right to disturb or divert any Public Right of Way at any time without the express permission of the Highway Authority. No furniture may be erected on or across the Public Right of Way without the express consent of the Highway Authority.
  5. In accordance with BS5489, in new streets where trees are to be planted the lighting should be designed first and planting sites fixed afterwards. However no lighting is required in unlit rural areas.
  6. Any works that have the potential to affect an existing water course or ditch's ability to convey water will require the formal written consent of KCC. It is advised that the applicant contacts [flood@kent.gov.uk](mailto:flood@kent.gov.uk) prior to undertaking any works that may affect and watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.
  7. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any 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 such 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.

8. With respect to Broadband, the BT GPON system is currently being rolled out in Kent by BDUK. This is laid fibre optical network offering a single optical fibre to multi point destinations ie. fibre direct to premises.

<b>Application Number</b>	16/01466/AS		
<b>Location</b>	British Volunteer, 56-58 New Street, Ashford, Kent, TN24 8TT		
<b>Grid Reference</b>	00688/43001		
<b>Ward</b>	Victoria (Ashford)		
<b>Application Description</b>	Erection of 2 no. 2-bed dwellings		
<b>Applicant</b>	Mr Phillip Morley Texo Developments c/o Go Planning Ltd, Unit 5 Bolding Hatch Business Centre, Bishops Stortford Road, Chelmsford, UK CM1 4LF		
<b>Agent</b>	Mr Nigel Tedder, Go Planning Ltd, Bishops Stortford Road Roxwell Chelmsford, Essex CM1 4LF		
<b>Site Area</b>	0.04 ha		
(a) 28/9R	(b) -	(c)	KCC – R CACF - R

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report which provided further details with regard to the pending appeal.

**Resolved:**

**That if Members had been in a position to determine this application then they would have refused the application on the following grounds:**

The proposed development would be contrary to Policies CS1, CS9 and CS15 of the Local Development Framework Core Strategy (July 2008); Policies TC1 and TC18 of the Local Development Framework Ashford Town Centre Area Action Plan, Residential Space and Layout SPD, Residential Parking and Design Guidance SPD and to Central Government guidance contained in the National Planning Policy

Framework (2012) and is therefore considered development harmful to the interests of acknowledged planning importance for the following reasons:

1. The proposal would be poorly related to and at odds with the established form and layout of the surrounding built development causing harm to the character and appearance of the area. By reason of its size, siting, form and design, it would result in a cramped and incongruous form of development which would cause significant and demonstrable environmental harm to the character and appearance of the area.
2. In developing the greater part of the communal garden area intended for residents within the adjacent converted pub building, the proposed development would result in a significant loss of residential amenity for those proposed residents.
3. The proposal would provide an unworkable parking layout detrimental to highway safety.

### **Note to Applicant**

#### 1. Working with the Applicant

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- 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

<b>Application Number</b>	16/01560/AS
<b>Location</b>	6 Pondmore Way, Ashford, Kent, TN25 4LU
<b>Grid Reference</b>	99789/43785
<b>Parish Council</b>	Central Ashford
<b>Ward</b>	Godinton (Ashford)
<b>Application Description</b>	Construction of two storey side extension
<b>Applicant</b>	Mr L Roberts, 6 Pondmore Way, Ashford, Kent, TN25 4LU
<b>Agent</b>	Ms T McFadzean, Insight Architects, The Joiners Shop, The Historic Dockyard, Chatham ME4 4TZ
<b>Site Area</b>	0.06ha

#### Consultation

(a) 11/- (b) Parish N/A (c) -

#### Resolved:

##### (A) 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 external materials and finishes to be used for the approved development shall be of the same size, colour, tone and texture as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To assimilate the new development with the existing in the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes B and C of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior written approval of the Local Planning Authority.

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

4. 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

5. 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.

### **Note 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.

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<b>Application Number</b>	16/01626/AS	
<b>Location</b>	42 Providence Street, Ashford, Kent, TN23 7TW	
<b>Grid Reference</b>	01089/41598	
<b>Parish Council</b>	South Ashford	
<b>Ward</b>	Norman (Ashford)	
<b>Application Description</b>	Proposed two storey rear extension	
<b>Applicant</b>	Ms Gideon	
<b>Agent</b>	Kent Design Studio Ltd	
<b>Site Area</b>	0.02ha	
(a) 6/1R	(b) N/A	(c)

In accordance with Procedure Rule 9.3, Ms Gideon, the applicant, spoke in support of the application. She said this was a well-designed extension which fitted in with the neighbourhood and satisfied all planning regulations. The Officer's report made clear that it had no impact on flooding or traffic issues, and that the recommendation for refusal was based solely on light. The orientation of the rear of the property was south-east, so there was little impact on sunlight to the adjacent property. The first floor bedroom window in question had daylight almost constantly, and in this case the light test became irrelevant. This was a material point which overrode the planning policy guidance. Where 25 and 45 degree tests were breached, daylight and sunlight levels should be checked using the BRE's detailed tests and these had not been carried out. There was only one letter of objection from no 44, with regard to light restricted at the rear of the house by the proposed wall. The large tree in the

garden of no 44 already restricted light to this area far more than any proposed development. The Planning Officer stated that the proximity to the ground floor windows was not an issue. Also, three neighbouring properties (nos 40, 38 and 36) already had full width extensions. The neighbour at no 44 also stated that he did not object to a 2 storey extension, if built on top of the existing footprint. There were already a wide variety of extensions in Providence Street, which had been done under permitted development. This application was more appropriate than much of what already existed and should be approved. Planning staff had provided no constructive feedback to the agent during the process, and the only course left was to ask for the application to be considered by Planning Committee.

The Ward Member 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.



5. 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 window, dormer window or roof light shall be constructed in the approved rear extension without prior written consent from the Local Planning Authority.

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

### **Note 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 applicant/agent was updated of any issues after the initial site visit,
  - 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>	16/01793/AS
<b>Location</b>	Sunny Bank Rock Hill Road Egerton Ashford TN27 9EA
<b>Grid Reference</b>	90242/46794
<b>Parish Council</b>	Egerton
<b>Ward</b>	Weald North
<b>Application Description</b>	Demolition and replacement of garage (resubmission of planning permission 16/00520/AS)
<b>Applicant</b>	Mrs Hooper, Sunny Bank, Rock Hill Road, Egerton, Ashford, TN27 9EA
<b>Agent</b>	N/A
<b>Site Area</b>	0.16ha

Consultation

(a) 3/- (b) Parish + (c) -

**Resolved:**

**(A) 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.

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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 building hereby approved shall be used for purposes incidental to the enjoyment of the dwellinghouse and shall not be used for primary residential accommodation at any time.

**Reason:** Such a use would conflict with policy which restricts separate residential use.

5. The rooflights to the SW elevation shall be fitted with non opening obscure glazed rooflights as shown on approved drawing no. 110A.

**Reason:** In the interests of the residential amenity of the neighbouring property.

6. 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.

### Note 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 applicant was updated of any issues after the initial site visit,
- 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>	16/01601/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>	Renovation of existing conservatory (resubmission of application 15/00203/AS) (retrospective)	
<b>Applicant</b>	Ms M Froud, 1 Primrose Cottages, Lenham Heath Road, Lenham, Maidstone, Kent, ME17 2BT.	
<b>Agent</b>	Mr D Harman, Building Drawings, 124a North Road, Hythe, Kent, CT21 5DY	
<b>Site Area</b>	0.0079ha	
(a) 30/8R, 7S , 2X	(b) S	(c) -

In accordance with Procedure Rule 9.3, Mr Ormay, a neighbour, spoke in objection to the application. The issue at hand had been going on for 3 years. An old conservatory had been replaced by the applicant, without seeking planning permission and without consultation with the immediate neighbour. The building was hastily put up. This new extension had been built across both walls, bringing it onto

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and over the wall on Mr Ormay's side of the boundary. Mr Ormay had engaged a reputable company of chartered surveyors who reported on the situation and wrote to the applicant pointing out that by building in this way, they had infringed the rights of their neighbours and not conformed to planning laws. This matter had been to two previous Planning Committees where a unanimous vote was to grant planning permission to the applicant, subject to the applicant resolving a number of matters. At present, none of those matters had been addressed by the applicant. The building still had no planning permission and was infringing Mr Ormay's side of the party wall without Mr Ormay's consent. Instead of addressing these issues, the applicant had submitted new plans. The issue of maintenance had still not been addressed. To maintain the guttering and to keep the proposed rendered side elevation in good condition, the applicant would have to trespass into Mr Ormay's property. This was not a building proposed by Mr Ormay, and he would not be made responsible for maintaining it. The parapet guttering design was an achievable, practical and workable solution to the problem of maintenance and Mr Ormay was willing to give access for approved professional contractors to complete the works. Mr Ormay would also be giving up his side of the party wall, on which the building sat. A brick wall with a parapet design would be a great improvement, with no issues of maintenance, and the applicant could complete her building. Mr Ormay said he had never objected to the applicant building her extension, but it was reasonable that the applicant should be solely responsible for maintenance and if the applicant chose to disregard her maintenance duties, it should not have a damaging and adverse impact on Mr Ormay's enjoyment of his home.

In accordance with Procedure Rule 9.3, Mr Harman, the agent, spoke in support of the application. He said this was a delicate planning application which had become personal, between two neighbours falling out over building works that had been carried out without the appropriate planning permission. This application was about what was to be built in the future, not what was already there, or what was there before, so Mr Harman urged Members to look at the facts. The previous application was supported by planners and the Parish Council, but this Committee decided to refuse it. This application was still supported by the Parish Council but not the planners. The case officer was overall supportive of the application but he felt it failed on two points. The absence of a firm proposal to implement and maintain an acceptable surface water drainage system and absence of a firm proposal to implement and maintain the render finish to the wall on the south elevation. Maintenance and how to build were not reasons to refuse an application as neither were planning law. The applicant had proposed a rainwater gutter system that was used on almost every house in the country. The guttering led to a rainwater downpipe which was on the applicant's land. The maintenance was not a planning issue. Render was only suggested as the neighbour asked for it when the work was being carried out. This could easily be replaced by a brick-face wall. Both the guttering and the brick wall could be carried out from the applicant's land. How to build and maintenance were covered by the Access to Neighbouring Land Act 1992 and not planning law. Although the Committee had every right to ignore planning law and refuse the application, an appeal was likely to go in the applicant's favour. Mr Harman asked Members to approve this application as there were no grounds in planning law to refuse.

In accordance with Procedure Rule 9.3, Mr Reed spoke in support of the application on behalf of Charing Parish Council. He said that, having looked at the original structure and the building which was the subject of this application, the Parish Council was of the opinion that the new footprint was the same as the original. The height was the same and the new windows were sitting on the original sub-structure. The Parish Council agreed that the block work was ugly, but if the applicant was given access by her neighbour, the new concrete blocks could be rendered and painted, thus leaving a better visual aspect. Were the blocks to be replaced by brickwork, it would involve access onto the neighbour's garden. The Parish Council believed that the main reason the Officer was recommending refusal was that the finishing touches were not likely to be completed to the correct standard, due to the lack of access onto the neighbour's property. Mr Reed questioned whether this was a material planning consideration and a valid reason to refuse permission. He wondered if the Council would have intervened and refused permission if the applicant had wanted to re-roof the original building. Mr Reed said the Council did not have the role of a civil court and that the way forward with this application would be to grant planning permission, subject to the neighbours privately coming to an arrangement over the completion of the work. Failing that, a decision on access would have to be made in a civil court. It was the Parish Council's wish that the neighbours take a fresh look at their relationship and try to resolve their differences in an amicable way. There were well-established procedures for settling neighbourly disputes, outside of this Committee meeting, and Mr Reed recommended that this application be given full approval.

**Resolved:****Refuse**

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, Policy SP1 and HOU8 of the emerging Ashford Local Plan and would therefore represent development contrary to interests of acknowledged planning importance, for the following reason:

1. In the absence of firm proposals to implement and maintain an acceptable surface water drainage system the proposal would be likely to result in 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.
2. In the absence of firm proposals to implement and maintain a render finish to the wall on the south elevation the development cannot be completed in a visually satisfactory way and would therefore impact upon the visual amenity of the adjoining property and the landscape.

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## Note 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.

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<b>Application Number</b>	16/01696/AS
<b>Location</b>	Public Convenience, St Johns Lane, Ashford
<b>Grid Reference</b>	01123/ 42730
<b>Parish Council</b>	None
<b>Ward</b>	Victoria
<b>Application Description</b>	Demolition of the public conveniences on St John's Lane located in the Vicarage Lane Car Park.
<b>Applicant</b>	Head of Health Parking and Community Safety, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

**Agent** Mr Martin Kempshall, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

**Site Area** 0.0426ha

(a) 6 / - (b) - (c) EHM X, PO (Drainage) -

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report and comments by Ashford Access on this application.

**Resolved:**

**Permit**

**on the following grounds:**

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 & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Upon completion of demolition all materials shall be removed from the site and the site shall be restored in the manner described in the Design, Access and Heritage Statement and in accordance with the details set out on drawing number VLPCD-101.

**Reason:** In order not to prejudice the appearance of the surrounding Conservation Area and neighbours' amenities.

3. 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.

4. Demolition and site clearance works shall only be carried out between the hours of 0800 and 1800 Monday to Saturday, and not at all on Sundays and Bank Holidays.

**Reason:** In the interests of the amenities of the area.

5. The process of demolition shall be undertaken in accordance with the details set out in the Design, Access and Heritage Statement.



**Reason:** In the interests of the amenities of the area.

6. 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 and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

**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.

7. 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.

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### Note to Applicant

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- 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/agent 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).  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)