
Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. **Minutes** – to approve the Minutes of the Meeting of this Committee held on the 18th January 2017
4. Requests for Deferral/Withdrawal

Part I – Monitoring/Information Items

None for this Meeting

Part II – For Decision

5. TPO/16/00012 - Confirmation of Tree Preservation Order No.12 2016 - Gold House, Warehorne Road, Warehorne, Kent, TN26 2JX
6. Schedule of Applications

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- (a) **16/01704/AS - Land east of Southdown Close and north of, Cheeseman’s Green Lane, Kingsnorth, Kent - Creation of a community park and play area including a community orchard and nature conservation area, a new access, 9 car parking spaces, a pedestrian foot bridge, fencing and footpaths**

Update 1:

Condition 08 slightly amended to include wording requested by KWT concerning the South Willesborough Dykes Local Wildlife site AS19 and removing the reference to backwaters.

New condition now says...

“Landscape/Conservation Management Plan

8. No development shall take place until a Landscape/Conservation Management Plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas, has been submitted to and agreed in writing by the Local Planning Authority following consultation with Kent Wildlife Trust and the Environment Agency. The Landscape/Conservation Management Plan

shall be carried out as approved unless agreed in writing by the Local Planning Authority and shall include the following elements:

- *details of any new habitat created on site*
- *details of extent and type of new planting (NB planting to be of native species)*
- *details of design and maintenance regimes, particularly for scrapes and other water bodies being created.*
- *details of an 8m buffer zone adjacent to the Ruckinge Dyke*
- *details of management responsibilities*
- *intentions and objectives for the proposed conservation area and local biodiversity.*
- *a reference to the adjacent Local Wildlife Site AS19 South Willesborough Dykes and a detailed report on how the proposed development would not negatively impact this site together with details of measures to be put in place to avoid such an impact.*

Reasons: *To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of this site, adjacent to the South Willesborough Dykes Local Wildlife Site, in line with national planning policy. “*

Update 2:

A letter of objection has been received objecting to the proposal on the following grounds:

- With the exception of a wood chip footpath to ensure year round access the land should not be developed.
- The land provides a flourishing ecosystem in miniature - with skylarks, owls kingfishers and kestrels as well as variety of amphibians and reptiles all of which was lost in one day last summer, without any consultation.
- There is no objection to the S106 money put aside by the developers for this project being spent elsewhere.
- Allotments and a children's play park are not wanted here.
- If there really is a need, the existing play park should be expanded.
- No man-made structures of any kind should be allowed because without the resources to police them they will be subject to the same kinds of vandalism as afflicts the entire area.
- There should be no car park - either with or without lighting.
- Grazing land would be acceptable as long as this is done to encourage wildlife.
- Walkways are also acceptable but nothing else.

Update 3:

Additional representations from 2 local residents have been forwarded to officers from the Ward Member Cllr Paul Bartlett. Comments are summarised as follows:

- There is no evidence suggesting there is a need for a car park; it would create ongoing problems (such as anti-social behaviour and vandalism). If the car park goes ahead, it should be conditional that the gate is locked every night.
- The play equipment made of wood would be vulnerable to vandalism.
- The proposed development would worsen flooding issues. Water would be shunted to lower levels through the introduction of a pond that would encourage water to flow toward houses.

(b) **16/01493/AS - The Willows, Pluckley Road, Bethersden, Ashford, Kent, TN26 3ET - Variation of condition 2 on planning approval 04/00551/AS to allow the stationing of 5 gypsy caravans, of which up to 4 can be static caravans/mobile homes and for the storage of one touring caravan not for residential accommodation**

1 additional letter has been received objecting to the application. The objection has been forwarded by the ward member Cllr Pickering and is from a group of local residents. At the request of Cllr Pickering, the objection letter is copied in full at annexe 1. The key issues are summarised below and include:

- The proposals do not comply with the Local Plan.
- Size of the site is not sufficient to accommodate 4 pitches.
- Plans are inaccurate and not to scale.
- Lack of consideration relating to biodiversity, landscape, water, access to services, health and wellbeing.
- Additional household waste, sewage and vehicles.
- Visual impact.
- Impact on resident's amenity.
- Highway safety.
- Lack of evidence relating to gypsy status.

Bullet point 2 on page 2.5 should state that the Inspector previously concluded that Mrs Collins was not a gypsy. For clarification at the time of the Inspector's decision due to their age and limited amount of travel, the children were also considered not to fall within the planning definition of a gypsy. Mr Collins was considered to have gypsy status.

- (c) **16/00942/AS - Land adjacent to 104 Rylands Road, Kennington, Ashford, TN24 9LR - Proposed new dwelling along with two parking spaces, bin store & bike store**

Re-consultation following amended plan showing one new dwelling attached to the terrace row:

6 consulted, 2 responses in support

Responses in support of the application on the following grounds:

- respects the character of the area
- removal of trees to reduce risk and provide more daylight
- provide more car parking

- (d) **16/01402/AS - Casa Amica and Ripleys Auto Spares, Brisley Lane, Bilsington TN25 7JD - Outline application for the demolition of the existing property (Casa Amica) and buildings and structures associated with Ripley's Scrap-Yard and the erection of 7 dwellings (including one replacement dwelling) and associated access**

Typo

Page 4.7 – Ashford Borough Local Plan 2000 - should be 'HG5' and not 'HG7'

Page 4.17 – in the 1st line of refusal, the reference should be to 'HG5' and not 'HG7'

Comments from Kent Highways and Transportation have been omitted from the report. In summary, the highway authority has requested further information including:

- The numbers of vehicle trips over a typical day and week.
- Clarification as to which accesses will remain.
- A plan demonstrating the achievability of visibility splays for all accesses.
- Details of how the 70 metre visibility splay at the main access serving five properties was calculated.

- (e) **16/01531/AS - Land N of Bagham Road and SW of Berry House Lodge, Mulberry Hill, Chilham – Erection of 2 No. dwellings with detached garages. Change of use of land to residential**

A Transport Technical Note by DHA has been submitted by the applicant. The note assesses the visibility splays at the proposed access point at Mulberry Hill. The report produced by RMB Consultants found that the required splays could not be met as they crossed land outside of the applicant's control.

After aligning the highway definition plan with the topographic survey on AutoCAD software it is demonstrated that the vegetation to the right of the proposed access lies within the public highway, and that the highway boundary is in fact at the fence line to the neighbouring property. Therefore, the required splay of 2.4m x 33.4m is achievable within highway land or land under the control of the applicant. To the left of the proposed access, a splay of 2.4m x 33m can be achieved. It is robust to assume that this is above the minimum splay required as per Manual for Streets, based on the

speed of vehicles as they approach the access from the south west and the uphill gradient.

It is confirmed that the proposed access can be demonstrated to meet the required standard and will have no detrimental effect on highway safety or amenity.

Kent Highways: Considering the applicant has now demonstrated that the vegetation in question to the north of the access lies within the Highway boundary and can be trimmed, Kent Highways are of the view that the splays are achievable and have raised no objection.

A condition is suggested requiring the submission of a plan demonstrating improved visibility splays at the site access prior to any works commencing on site.

(f) **16/01708/AS - 2 Cypress Avenue, Ashford, Kent TN23 3JP - Change of use from amenity land to domestic garden**

Addition of conditions:

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

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

2. Prior to the commencement of the development, full finishing details, including colour and materials, of the 1m picket fence shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity.

(g) **16/01806/AS - Barn South of Peacock Villas, Giggers Green Road Aldington - Demolition of existing agricultural building and erection of new two storey building to comprise a single dwelling with associated parking and change of use of agricultural land to private garden**

(h) **16/00880/AS - St Marys Church, Church Lane, Hastingleigh, Kent TN25 5HN - Construction of a single storey extension on the north side of the church**

Annexe 1

COMMENTS OF OBJECTION ON BEHALF OF THE LOCAL RESIDENTS TO THE WILLOWS, PLUCKLEY ROAD, BETHERSDEN TN26 3ET APPLICATION REF 16/01493/AS

15/2/17

- It's not clear whether the case officer has actually read the objections to this application as he hardly refers to any of the valid planning points which have been made, so I will endeavour to run through the main ones for the benefit of the Committee. This does not devalue the other comments made and registered online.
- This site was the subject of an appeal by the applicant in 2005 which was allowed by the Planning Inspector on condition that only one static caravan was stationed on the site.
- The variation being sought - for 4 static caravans instead of 1 - is significant and material and as such it should have been treated as a new application, with all the relevant requirements e.g. an environmental impact assessment, not brought under the Town & Country Planning Act which is for minor amendments.
- In relation to provision of gypsy sites, Para 3 of the Planning Policy for Traveller Sites 2012 (to be read in conjunction with the NPPF) states that the Government's overarching aim is: *'To ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.'*
- Para 4 sets out the detailed aims, including: *'For local planning authorities to have due regard to the protection of local amenity and local environment.'*
- In Ashford's own Sustainability Appraisal Environmental Report in May 2016 - 'Planning for Gypsies and Travellers in Local Plan' - on page 5 it is stated that the size of one family pitch:
 - *Must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc.), parking space for two vehicles and a small garden area.*
- This application seeks to have a total of four pitches on an area of around 2000 sq. metres (which includes the access road and parking/turning zone), impossible to fit on the site and even begin to comply with the specified pitch size.

- NB the site plan is plainly inaccurate and not to scale (If we had submitted that plan it would have been rejected out of hand!) and make it appear far more spacious than it is - compare the aerial view and diagram supplied by Betersden Parish Council.
- So if notwithstanding the fact that this entire application is misguided and should not have been considered in its present form (as a variation of the appeal decision). If the Committee decides to consider this matter, you are bound to find that it does not comply with your own intended policy in the Local Plan relating to gypsies and travellers, and should be refused on that basis.
- Furthermore, the site assessment criteria in this report are comprehensive, but have not been considered by the case officer in this application e.g. biodiversity, landscape, water, access to services, health and wellbeing.
- Turning to the impact on the area, we already have noise, traffic, bright lighting all night and several additional structures and another caravan are already on site in breach of the condition. There will also be health issues with additional household waste, sewage and vehicles if - as appears to be likely - the children each start their own families on this site, which will then be impossibly overcrowded.
- Coupled with the already increased threats to road safety of additional vehicles using the site at a particularly dangerous spot on the Pluckley Road, and the eyesore, which will be created by all the extra caravans, the impact on the area cannot reasonably be regarded as minor.
- As the Planning Inspector stated:
 - *A limitation on the number of caravans is necessary in order to ensure the character of the rural area is respected. Similarly business activities should be restricted because of the tranquil nature of the surrounding area and to safeguard residential amenity.*
- The only change to the area, since that decision, has been the increased noise etc. as above, caused by the applicant and his family/associates, their use of the site and the effect of their activities on everyone nearby, including local tourism
- The Inspector also found on appeal that only Mr Collins the applicant could possibly be classed as a gypsy, and in fact was not at that time living a nomadic lifestyle - his evidence was that this was because of injury/illness but that he would resume that lifestyle when he was able to.
- At her discretion, the Inspector allowed the small dependent Collins children and their mother to be included as well, though she clearly found that they were not gypsies

themselves and could only be classed as such because they were dependent on Mr Collins, and living with him.

- The current application clearly indicates that the two older children are regarded as being independent of the family and needing their own accommodation. There is no evidence that they are gypsies in their own right, and that status cannot be inherited.
- But no evidence has been offered to support gypsy status for any of the family in this application.
- Ordinary planning policy ought therefore to apply. No one in the settled community would be allowed to build three additional homes on their land in this way.
- With regard to item 40, titled 'Residential Amenity', on page 2.12 of the Planning Officer's report. This summary is totally inaccurate as there will be four times the level of people, sanitation requirements, vehicles, entering and exiting on the dangerous Pluckley Road, animals and noise, as well as the overbearing amount of new structures, which is not in keeping with a rural location. The site is further exposed to all since the mature oak tree has been felled and some of the adjacent hedges have been lowered.
- It should be refused, so that the applicant has to appeal back to the place where this matter was originally decided, the Planning Inspectorate, and the case can be reviewed at the same level as it was originally decided. We don't understand how it can be referred back to the local authority, when the Planning Inspectorate decided it, and it should now be revisited at the same level.