

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15th February 2017**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Apps, Bennett, Mrs Blanford, Bradford, Clokie, Dehnel, Farrell, Galpin, Heyes, Krause, Murphy, Ovenden, Powell, Waters, Wedgbury.

Apologies:

Cllr. Clarkson

Also Present:

Cllrs. Bartlett, Buchanan, Feacey, Miss Martin, Pickering.

Strategic Applications Team Leader; Senior Planning Officer; Senior Planning Officer; Graduate Planner; Cultural Projects Team Leader; Cultural Projects Manager; Play and Open Spaces Project Officer; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

300 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.	
Mrs Blanford	Made a Voluntary Announcement that she was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda, and a member of the Campaign to Protect Rural England	303 – 16/01493/AS 16/01806/AS
Burgess	Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda, and	
	Announced that he was the Council's appointed Member for a project which was in the course of negotiation with the applicant's immediate family. He would not take part in the	303 – 16/01806/AS

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debate and would hand the Chairmanship of the meeting to the Vice Chairman for this application.

Clokie	Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.	
Dehnel	Made a Voluntary Announcement that he was a Member of Kingsnorth Parish Council, and	303 – 16/01704/AS
	Made a Voluntary Announcement that he represented the Borough Council on the Kent Downs Area of Outstanding Natural Beauty Committee.	303 – 16/01531/AS
Wedgbury	Made a Voluntary Announcement that he was the KCC Member for the area under discussion, and	303 – 16/00942/AS 16/01708/AS
	Made a Voluntary Announcement that he was a Member of Kingsnorth Parish Council	303 – 16/01704/AS

301 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 18th January 2017 be approved and confirmed as a correct record.

302 TPO/16/00012 - Confirmation of Tree Preservation Order No.12 2016 – Gold House, Warehorne Road, Warehorne, Kent, TN26 2JX

Resolved

That the Tree Preservation Order be confirmed, notwithstanding the objection.

303 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: -

Application Number	16/01704/AS	
Location	Land east of Southdown Close and north of, Cheesemans Green Lane, Kingsnorth, Kent	
Grid Reference	02109/38602	
Parish Council	Kingsnorth	
Ward	Weald East	
Application Description	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	
Applicant	Mr Simon Harris, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
Agent	Mr M Kirk, Building Design Partnership , 16 Brewhouse Yard, Islington, London, EC1V 4LJ	
Site Area	7.55	
1 st round of consultation		
(a) 41/10R	(b) Kingsnorth PC - Mersham and Sevington PC -	(c) KHS X , Project Office (Drainage) X , KCC Archaeology X , EA X , KWT X , NE X
2 nd round of consultation		
(a) 43/4R	(b) Kingsnorth PC -	(c) KHS - + , EA - + , Project Office (Drainage) - X

The Senior Planning Officer drew Members' attention to the Update Report, which contained one amended condition, a further letter of objection, and additional representations from two local residents.

In accordance with Procedure Rule 9.3, Mr Garfield, a local resident, spoke in objection to the application. In his opinion, this project had been badly managed. There had been a lack of commitment and ownership from the divided members of the project consortium and the residents of Bridgefield were now paying for broken promises and failed delivery. The data and decision making had been opaque. The results of the consultation lacked transparency, not showing true demand or lack thereof. There had been little engagement with, or concern for, the residents who would be most impacted. Without data, these proposals were pure politics and opinion. Residents of Bridgefield, particularly those of Southdown Close and

Rutledge Avenue, bought their houses in good faith. The new project plan was incongruous with the advertised and marketed plan. The original plan respected the privacy of neighbouring residents, while the new plan did not. It was aesthetically and practically inferior. The residents of Bridgefield would not benefit from this downgrade. The original plan placed the facilities in the centre of the field. A policy of encroachment had been needlessly advocated, given the area of land available. The proposed recreation area was crushed up to Southdown Close. The new plan would have a huge environmental impact on residents. The concerns of the adjacent residents had been voiced, and residents made two requests: firstly, that the recreation area should be placed with respect and sensitivity to residents' privacy, and secondly, that a trim trail was the preferred solution. Residents would like the Committee to reconsider placing the recreation area in the centre of the field, as the current positioning was inappropriate. Car parking would be a magnet for various nefarious activities. The Committee should also consider relocating some of the play facilities to the existing central location where there was a clear already-existing demand. The trim trail should surround the recreation area and other facilities should be provided, such as tennis courts.

In accordance with Procedure Rule 9.3, Mr Kirk, the agent, spoke in support of the application. He represented the design consultants who had produced the plans. The site had certain peculiarities and constraints, most particularly flooding issues. The consultants had to work carefully with the Environment Agency to mitigate flood risk and achieve the aspirations of the Council and residents. Access was also a key factor, as well as the siting of various elements within the park. Consultation had been undertaken with local residents and stakeholders on various occasions. Conflicting aspirations and demands had been taken into account to create a well-balanced design, which married the natural environment with the human population. Different elements such as personal safety, good visibility, good access, distance from adjacent properties and avoidance of the main flood areas had all been considered. Recreational needs for all ages had also been taken into account. The consultants had worked with stakeholders to ensure that nature conservation areas were included so that the natural ecology of the site could be enhanced. The scheme was carefully balanced to make sure all key elements were considered in the design to achieve the best overall effect. This scheme was intended to provide an asset which would improve the lives of adults and children living in the area.

In accordance with Procedure Rule 9.3, Dr Moorby, on behalf of Kingsnorth Parish Council, spoke in support of the application. The Parish Council were very supportive of this application. They considered that it would be good for Bridgefield, the whole Parish and possibly even wider. The new play area was close to houses, but it was important that play areas could be observed and overlooked to ensure child safety. It was an interesting and innovative selection of play equipment, including a full-size tractor. A large area of the site was given over to wildlife, but it would also be available for quiet recreation, such as exercise, dog walking etc. Perhaps a trim trail was also a very good idea. The creation of new habitats and tree-planting in the area would improve ecology. The site would also be part of the Willesborough Dykes wildlife area, which was very important as it would provide continuity between the areas, as well as green corridors.

The Ward Member attended and commented on the application.

Resolved:

- (a) **Subject to the applicant submitting the results of a speed survey to the Local Planning Authority that demonstrates to the satisfaction of Kent Highways and Transportation that acceptable visibility splays from the proposed new access to Cheeseman's Green Lane can be provided from the access position either as currently identified or to be adjusted through a minor position change to be shown on an amended site layout plan to be submitted to the Local Planning Authority by the applicant**

with delegated authority to the Head of Development Strategic Sites and Design to approve any minor site layout change regarding the access to Cheeseman's Green Lane and to make changes to planning conditions including amending conditions, adding additional conditions (including those that might be necessary to deal with the outcome of the speed survey and access position) or deleting conditions, as she sees fit.

- (b) **Permit**

Subject to the following conditions and notes:

Time limit for implementation

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.

Detailed Design to be submitted

2. No development shall take place until detailed plans and information regarding the following aspects of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details
- a) Full details including materials and colour of all gates, fencing, the height restrictor and footbridge
 - b) Full details of the following proposed play equipment: Large Tractor, Bespoke Tower, Bespoke Trail.

Reason: In the interests of visual amenity

Landscaping

3. Within 6 months of the date of this permission full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the next planting season. These details 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 visual protection and enhancement of the area.

Archaeology

4. No development relating to the construction of the play park, car park and footpaths shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of 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 NPPF.

Drainage

5. No development shall commence until plans and particulars for a sustainable drainage system for the disposal of the site's surface water has been submitted and approved in writing by Local Planning Authority.

The drainage plan for the scheme shall ensure that surface water runoff from the site is being dealt with appropriately and in line with the Council's adopted Sustainable Drainage SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) return the water to the natural drainage system as near to the source as

possible and (viii) operate both during construction of the development and post-completion.

Written consent should be provided by either Kent County Council, or the local Internal Drainage Board where any works proposed will have the potential to affect any ordinary watercourse. This includes any works which could impede flow, block / narrow a watercourse, blocking drainage routes or pipes.

Reason: In order to reduce the impact of the development on flooding, manage runoff flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

Flood Risk

6. The development hereby approved shall be carried out in accordance with the approved Flood Strategy Statement by BDP dated 14 November 2016 with further details of the provision of compensatory flood storage requirements to be submitted to and approved in writing by the Local Planning Authority, prior to commencement of any works.

Reason: To prevent the increase in flood risk.

Biodiversity

7. Development shall be carried out in accordance with the mitigation recommendations of the Approved Update to Ecological Surveys Bridgefields Sport Site South Ashford document by Marsh Environmental dated August 2015 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance biodiversity and to protect the existing populations of protected species and improve their habitat on the site.

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.

Lighting

9. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: To preserve the habitat of protected species and in accordance with the Dark Skies SPD

Parking

10. The area shown on the drawing number (90)LP00 as vehicle parking space, shall be provided, before the new access is brought into use and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: In the interests of highway safety.

Development in accordance with approved plans

11. 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.

Monitoring and enforcement

12. The development 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 site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

Reason: In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

Notes to Applicant

1. Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

- The application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Internal Drainage Board Informative

The site of this application is within the River Stour IDB's district. Therefore, should any works be proposed which will affect any ordinary watercourse the Board's prior written consent may be required. A copy of the Board's byelaws is available to view within the IDB's consultation response to the Council in respect of this application dated 04th January 2017.

3. Signage

This permission does not grant advertisement consent for any signage which may require the benefit of separate application for advertisement consent.

Application Number	16/01493/AS
Location	The Willows, Pluckley Road, Bethersden, Ashford, Kent, TN26 3ET
Grid Reference	E 591943 N 141573
Parish Council	Bethersden
Ward	Weald Central
Application Description	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.
Applicant	Mr W Collins
Agent	Philip Brown Associates
Site Area	0.22Ha
(a) 18 / 7R	(b) Parish Council (c) ES X, CPRE X, R

The Strategic Applications Team Leader drew Members' attention to the Update Report which contained one additional letter of objection, as well as an amendment to a bullet point on page 2.5.

In accordance with Procedure Rule 9.3, Cllr Brannan, on behalf of Bethersden Parish Council, spoke in objection to the application. There was considerable local concern about the proposals, in particular the density of development supported by Officers. The number of houses would constitute overdevelopment of this rural, enclosed field and present an unwarranted built frontage close to Pluckley Road. The diagram he displayed showed the existing and proposed buildings. The application ignored the conclusions reached by the Planning Inspector, who, in allowing the use of this site, applied a very firm condition that prevented the future occupation of the site by more than one static and one touring caravan. Notwithstanding the criticism that the Borough Council had not provided enough pitches for caravans in the Borough, there was no justification for the selection of this confined, rural site to house a total of four family units. The displayed photo montage illustrated the impact of the proposed development on the site. The Google photograph showed the state of the site as it existed at present, with one caravan and some secondary buildings on the rear boundary, and a large access area. The second photograph showed the proposed siting of the new units, which would be a compact arrangement, and present an unacceptable aspect with regard to Pluckley Road. The application ignored the well-considered conditions imposed by the Appeal Inspector. There were wide-ranging implications resulting from tonight's decision on the whole of the Borough, and Cllr Brannan urged Members to be consistent in opposing the application for further development of this site, in the full understanding that the applicant would have the opportunity to again appeal to Central Government to determine the validity of the previous decision to limit development to one mobile home only on this site. It seemed to Bethersden Parish Council that it was not within the remit of the Planning Committee to overturn an Appeal decision, which had been properly assessed and determined by a Government Inspector.

The Ward Member attended and spoke in objection to the application.

Resolved:

Refuse

on the following grounds:

The development would be contrary to policy GP12 of the Ashford Borough Local Plan (June 2000), policies CS1, CS14 and CS15 of the Local Development Framework Core Strategy (July 2008), policy TRS17 of the Tenterden and Rural Sites Development Plan Document (October 2010), emerging policies SP1, SP6, HOU16 and ENV3 of the Councils Local Plan to 2030, and the Council's Landscape Character Supplementary Planning Document (April 2011) and to Central Government guidance contained in the National Planning Policy Framework (March 2012) and the Planning Policy for Traveller Sites (August 2015) and would therefore

be harmful to matters of acknowledged planning importance for the following reasons:

1. Insufficient evidence has been submitted to demonstrate that the applicant and his family comply with the definition of a gypsy and traveller as defined in the Planning Policy for Traveller sites. As a result, the development would represent unjustified development in the open countryside.
2. The proposed development would result in overdevelopment of the site and would appear as a cramped form of development within the landscape resulting in demonstrable harm to the character and appearance of the rural area.
3. The proposal would result in an increase in the use of an existing sub-standard access, to the detriment of highway safety.
4. The need for gypsy and traveller accommodation in the area does not outweigh the harm identified.

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 agent acting on behalf of the applicant was contacted early into the assessment process to clarify the appropriate use of the variation of condition application. The officer was satisfied that following further information provided the application could be assessed to consider an increase in the number of units on site; and

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- 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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Application Number	16/00942/AS	
Location	Land adjacent to 104 Rylands Road, Kennington, Ashford, TN24 9LR	
Grid Reference	60165 / 14447	
Parish Council	None	
Ward	Bybrook (Ashford)	
Application Description	Proposed new dwelling along with two parking spaces, bin store & bike store.	
Applicant	Joanne Wood	
Agent	Mr C J McMullon - Sevenscroft Ltd	
Site Area	0.02 hectares	
(a)	5 / 5R,1S	(b) - (c) KH&T -, ES/ -, BTOD/ x

Amended Plan

(a) 6 / 0R, 2S

The Senior Planning Officer drew Members' attention to the Update Report, which provided details of re-consultation following an amended plan.

In accordance with Procedure Rule 9.3, Mr McMullon, the agent, spoke in support of the application. The Officer's principal objection related to the impact of the proposals on the character of the area. The location plan indicated that the pattern of development was far from regular, with both semi-detached and terraced houses set either parallel to the road or at angles to the road. The proposed dwelling would continue this pattern and retain generous areas of open garden to the front and side. Every dwelling within the terrace was staggered in relation to its neighbour and the forward projection of the proposed dwelling took it no further forward than the terraced unit at number 96 at the other end of the block. The new dwelling was of the same height, roof pitch and eaves line of the existing dwellings and materials could be revised to match by condition if required. Objection had been raised on the impact of the forward projection on the existing property located to the south. The Officer's report confirmed that there was no objection in respect of impact on sunlight or daylight. In Mr McMullon's view the impact would not be detrimental and many

terraces were designed on a staggered basis, which gave character and a degree of privacy between neighbours. There was no objection on highway safety grounds and space standards had been met. The removal of the Leylandii would be beneficial to the area's character and the site was located in an area where infill development was acceptable. The proposed fencing was similar to properties in the area. However, this could be recessed with planting provided to soften the appearance, with these revised details secured by condition. The removal of the two Leylandii would open up the site and enhance the area. Two off-street parking spaces were provided at the end of the existing recessed parking bays, so these bays were retained, but would not appear isolated. The proposal was similar to 2A Belmont Road, which was constructed on the end of the existing adjoining terrace fronting Rylands Road. The Officer stated that, due to number 104 facing south-east, there would only be a degree of overshadowing in the morning and no significantly detrimental impact. The removal of the Leylandii trees would also increase the daylight to the adjoining dwellings. Sun was currently directly in front of the property at 9am. This site was twice the area of the other dwellings in the terrace, and more than twice their width. It was a good site for a small, more affordable dwelling, and would not detrimentally affect the varied street scene within the area. Mr McMullon concluded by asking the Committee to support the application.

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 & 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. Where it is stated that the materials will match the local vernacular the external materials and finishes to be used shall be of the same size, colour, tone and texture as those used locally 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. A hard and soft 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. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion 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.

4. The details of the hard and soft landscape works required in condition 3 above, shall include, details of materials including source/manufacturer and colour, 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 and maintenance programme.

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

5. No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority, The boundary treatment shall be completed prior to the occupation of the dwelling, in accordance with the approved details and shall be permanently maintained thereafter.

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

6. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public or Bank Holidays.

Reason: To protect the amenity of local residents.

7. 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 the approved parking, loading and turning areas shall be provided prior to the commencement of development and retained throughout the construction period.

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

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8. 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 that 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.

9. The vehicle parking spaces, shown on drawing number 2016/37/32 shall be provided, surfaced and drained in accordance with details previously submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained available for use thereafter. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking facilities.

Reason: To ensure adequate provision for vehicle parking in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

10. No development shall take place until details of the appearance of the means of enclosure for the bicycle storage facilities shown on drawing number 2016/37/32 have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage facilities shall be completed in accordance with the approved details, prior to occupation of the dwelling and shall thereafter be retained.

Reason: To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport.

11. The storage facilities for refuse shall be provided prior to the occupation of the dwelling in accordance with details approved on drawing number 2016/37/32 and shall be retained and maintained available for use by the occupiers of the premises thereafter.

Reason: In the interest of visual amenity.

12. No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water have been submitted to and approved by Ashford Borough Council in writing.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Infiltration test results must be provided and tests completed in accordance with requirements from BRE Digest 365, with test locations identified.

Soakaways should be designed in accordance with the principles of Kent County Council's "The Soakaway Design Guide" – July 2000.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) return the water to the natural drainage system as near to the source as possible and (v) operate both during construction of the development and post-completion.

Reasons: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Class A–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 visual amenity of the area and in the interests of the amenity of occupiers of neighbouring properties.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent Order revoking or re-enacting that Order, no windows or other forms of opening shall be inserted in the rear elevation of the dwelling hereby approved.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

15. 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.

16. 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/agent was updated of any issues after the initial site visit,
- the applicant/agent was provided the opportunity to submit amendments to the scheme to address the issues raised.
- the applicant/agent responded by submitting amended plans, which addressed some of the matters raised, however, the amended plans did not address all the outstanding issues and the application was therefore, recommended for refusal.

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- 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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Application Number	16/01402/AS	
Location	Casa Amica and Ripleys Auto Spares, Brisley Lane, Bilsington TN25 7JD	
Grid Reference	60254/ 13709	
Parish Council	Bilsington	
Ward	Saxon Shore	
Application Description	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	
Applicant	J&J Habershon-Butcher & Ripley	
Agent	Hume Planning Consultancy Ltd	
Site Area	0.90Ha	
(a) 12 / 2R	(b) x	(c) EH (c) x, EA x, KCC E x,

The Senior Planning Officer drew Members' attention to the Update Report, which highlighted some typo errors and included a request for further information from Kent Highways and Transportation.

In accordance with Procedure Rule 9.3, Mr Hume, the agent, spoke in support of the application. He said the existing site could be likened to an ugly blemish on the countryside. This scheme provided the opportunity to address and improve the situation permanently. The objectives of Government planning policy were to protect the rural character of the countryside and minimise the need for car journeys. At paragraphs 37 and 38 the Officer did accept that the proposed housing would improve the visual appearance of the landscape. The existing lawful scrapyards use was licensed to store 1000 end-of-life vehicles, and, in addition, significant tonnages of hazardous waste and other polluted material. The licence allowed 200 operational vehicles per week associated with the end-of-life processing of cars. Traffic movements for the site were further increased by staff as well as the movement of customers for the sale of recycled car parts. These movements significantly

exceeded the number of car movements expected from the proposed 6 new houses. The vehicles currently using the site were much heavier, with a high proportion of those vehicles being 7½ tonne lorries, with 30 tonne artic lorries later transporting scrap vehicles off-site. This activity was not suited for the narrow rural lanes surrounding the site. Benefits of the proposal included removal of the scrap yard, which detracted visually from the area, removal of lorry movements and an overall reduction in traffic movements on rural lanes, which would improve highway safety in the area. The scheme would provide ecological enhancements and removed pollutants from the ditches and ponds where contaminants had been identified. Additional tree planting and landscaping was important, as the site had 120m frontage directly opposite ancient woodland. The scheme would ensure that there was no net loss of jobs, as these would be transferred to the centralised operation at the expanded site at Ellingham Way. This was a more efficient and sustainable site. This scheme provided an opportunity to secure environmental and sustainability benefits for the rural area. It was supported by KCC, who considered it a unique opportunity to remove an ill-located site in waste policy terms. There was also support from both Parish Councils and one of the Ward Members.

In accordance with Procedure Rule 9.3, Cllr Hudson, Chairman of Bilsington Parish Council, spoke in support of the application. He noted the Officer's recommendation to refuse the application, based on isolation and sustainability, the local rural economy and potential traffic damage to the highways. The Parish Council had discussed the application in depth and canvassed local residents to ascertain their opinion on the proposals. The majority of residents supported the proposals in principle, and the general consensus was that the site was a blot on the landscape. The land was heavily contaminated and this was an ideal opportunity to clean up the land, reduce the risk of further contamination and remove what was an eyesore in the area. The development would not have access to an existing bus route and therefore the residents of the development would have to rely on cars. However, this additional traffic from residents would be more than compensated for by the reduction in HGVs delivering and collecting scrap metal at the existing site. It was these HGV movements that residents particularly objected to, due to the additional noise they created, along with increased damage to verges, boundaries, kerbs and the roads themselves. They also represented a danger on narrow country lanes due to their size and width. Regarding concerns about damage to the local rural community, if the scrap metal function was taken elsewhere, jobs would follow to that location. Regarding the site's isolation, it was 3.1 miles from Park Farm Tesco front door and closer to Park Farm North and the Bridgefield development. This was within easy cycling and walking distance of amenities. In summary, Cllr Hudson said that Bilsington Parish Council supported this project and development on this existing brownfield site.

One of the Ward Members attended and spoke in objection to the application.

Resolved:

Refuse for the following reasons:

The proposal is contrary to policies GP12 and HG5 of the Ashford Borough Local Plan 2000, Policies CS1, CS2, CS6, and CS15 of the Local Development Ashford Borough Council Framework Core Strategy 2008; Policy TRS1 and TRS2 of the Tenterden and Rural Sites DPD, Policies SP1, SP2 and HOU5 of the Ashford Local Plan 2030 (consultation draft), Central Government guidance contained in the NPPF as a whole and the advice contained within Manual for Streets and would therefore constitute development harmful to interests of acknowledged planning importance for the following reasons:

- 1 The proposed development seeks to introduce 7 large detached dwellings in an isolated and unsustainable location which would be contrary to the core principles of the Local Plan and in particular the NPPF which seeks to promote sustainable development in rural areas and avoid new isolated homes in the countryside.
- 2 The proposed development would result in the loss of an existing rural employment site and without sufficient justification would cause harm to the local rural economy.
- 3 Insufficient information has been provided, with regards to adequate visibility splays and the number of prospective vehicle trips over a typical day or week, to demonstrate that the development proposal can be accommodated without causing unacceptable harm to highway safety.

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 as submitted was in principle unacceptable. The agent was contacted and it was explained that the whilst in Outline form the proposal was unacceptable. Following these concerns Cllr Howard then requested that the application be heard at planning committee.

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

Application Number	16/01531/AS	
Location	Land N of Bagham Road and SW of Berry House Lodge, Mulberry Hill, Chilham	
Grid Reference	07556/53762	
Parish Council	Chilham	
Ward	Downs North	
Application Description	Erection of 2 No. dwellings with detached garages. Change of use of land to residential	
Applicant	Mr M and Miss S Richardson / Fewins 14 Laurence Hamilton Lane, Repton Park, Ashford, Kent, TN23 3GY	
Agent	Border Oak Border Oak Kingsland Sawmills Kingsland, Leominster, HR6 9SF	
Site Area	0.49ha	
(a) 10/29R , 8S	(b) x	(c) KCC Biodiversity X, Natural England X, KCC Drainage X, KHS X, SW X

The Senior Planning Officer drew Members' attention to the Update Report, which contained extra information submitted by the applicant, and the response of Kent Highways, plus an additional recommended condition.

In accordance with Procedure Rule 9.3, Ms Mason, a local resident, spoke in objection to the application. She had lived on Mulberry Hill for 17 years and was familiar with the current traffic issues. The sight lines for accessing the proposed site were on a bend. That part of the road would be made extremely dangerous by adding further traffic to the area, not only for vehicles entering and exiting, but also for traffic up and down the lane. The road was used by pedestrians, school children,

horses, people on bikes and dog-walkers, and there were no footpaths. The width of the road was not suitable for lorries, vans or buses to pass each other, and, in most cases, even cars had to pull into private driveways. The last houses to be built on Mulberry Hill were built in the 1960s, when the current levels and speeds of traffic did not exist. The proposed development would put extra strain on the amenities in Chilham, such as the school and the doctors' surgery, which were already stretched. Chilham attracted tourists, based on its small, quaint village and open fields. The site was agricultural, with an enforcement act on it, so to change the use and build houses did not provide any benefit to the area. The proposed dwellings would overlook the nearby houses of Pilgrims and Berry House Lodge. The local opinion poll, organised by the Borough Council, indicated that any further development on Mulberry Hill was not favoured. The Council also asked local landowners to put forward their proposals and the Council did not select Mulberry Hill for development. This decision should be respected, especially after so much time and effort was put into the decision. Ms Mason questioned why, when so many other applications had been turned down, this particular application had been recommended by the Officer.

In accordance with Procedure Rule 9.3, Ms Fewins, the applicant, spoke in support of the application. Her family had owned the land for almost 20 years and she had strong personal and family connections with the village. The success of this application would provide the opportunity for her parents to own their own home and for Ms Fewins and her partner to return to the parish. Out of the 29 representations received in objection to this proposal, only 6 came from the parish of Chilham and 12 came from outside of the County. There were 5 letters of support within the parish and 3 from the neighbouring village. Statutory consultees had raised no objections. The layout of the proposed dwellings was consistent with the current pattern of development in the area, and the dwellings would be of exceptional quality and design, with high environmental standards in accordance with both the current and emerging Local Plans. This would ensure that the development would not be harmful to visual amenity and would preserve the local character. The land was adjacent to an Area of Outstanding Natural Beauty and possessed mature hedgerows and planting, which the applicant intended to enhance by planting further hedging and fruit trees. Bat and bird boxes would be incorporated as well as log piles for the reptiles, in order to secure a net gain in biodiversity and enhancement of the site. The proposed dwellings were smaller in comparison with surrounding properties, some of which had had large extensions over the years, and would sit comfortably within the site, and retain privacy for all residents in the area. With regard to the highway, there had been an access point to this site for approximately 50 years, and it had been established in its current form for 16 years. The hedgerows were set back from the road and the drive was widely splayed, making it clearly visible for all. Ms Fewins was a daily user of Mulberry Hill and the land had been accessed frequently for many years without any issues. Kent Highways Services had acknowledged that the visibility was adequate and vehicle speeds were low. Ms Fewins had made enquiries which indicated that there had been no personal injury accident on Mulberry Hill for 13 years and the last incident had taken place at the other end of the Hill. Further enquiries also revealed that there had been no damage-only incidents in recent years and for all that time the driveway had been in frequent use. A boundary enquiry had established that the required visibility splays could be provided, and the low level of traffic movements from the property would not be harmful to highway safety or amenity. This site lay very close to

amenities and transport services of the village and, therefore, was sustainable and not isolated. This complied with Core Strategy 1 and the NPPF. The emerging Local Plan supported the principle of custom-builds and this development would contribute to meeting the Borough's housing needs. The NPPF presumption was in favour of sustainable development, and Ms Fewins submitted that this minor development would not result in any harm to the area or any amenity. She asked the Committee to permit 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. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

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, no development shall be carried out within Classes A-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

6. 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.

7. 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) and such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

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8. 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 dwellings are 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.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities

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

10. The landscaping details as submitted shall be carried out in their entirety. The approved planting on the north-eastern boundary of the site shall be carried out fully within the first planting season following the commencement of the development and the remainder of the landscaping/tree planting scheme shall be carried out fully within 12 months of the completion 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 the interest of visual amenity and to ensure the earliest re-establishment of the frontage hedge and trees.

11. All existing hedges, hedgerows and trees within the site and on the site boundaries 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: To ensure the continuity of visual and biodiversity amenity afforded by existing hedges, hedgerows and trees.

12. 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.

13. 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.

14. Prior to the occupation of the dwellings, the biodiversity recommendations and enhancements as outlined within the supporting Ecological Appraisal (to include the installation of bat and bird boxes, reptile habitat and to follow the Bat Conservation Trust's Bats and Lighting in the UK) shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

If the proposed plans change and works are required on any of the mature trees in the northeast corner, then a further bat roost assessment will need to be carried out prior to any tree works, to assess the potential of the trees to support roosting bats.

All works must be carried out outside of the bird breeding season (March – August inclusive). If that is not possible an ecologist must examine the site prior to works starting and if any breeding birds are recorded all works must cease until all the young have fledged.

If any reptiles are observed during development, works have to stop immediately and the applicant must contact their ecologist for further advice. If the vegetation is left unmanaged, the same submitted precautionary approach shall be undertaken in respect of reptiles.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure the development will lead to a net gain in biodiversity.

15. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which 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.

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework. Where infiltration drainage (such as soakaways) are proposed for anything other than clean roof drainage in a SPZ1, we will require detailed information on the type and design of the system and the pollution prevention measures incorporated into the design to demonstrate that pollution of groundwater will not occur.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority

detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To prevent pollution of controlled waters and comply with the National Planning Policy Framework. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

17. 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.

18. Prior to the commencement of the development, details of a pedestrian link between the application site and the public footway to the South forming part of the A252, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). The pedestrian link shall be provided and made available for use in accordance with the approved details prior to the first occupation of either of the two dwellings hereby approved. The pedestrian link shall be maintained thereafter.

Reason: In the interests of pedestrian safety and to ensure appropriate connection of the new homes with local amenities.

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,

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- 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 was provided the opportunity to submit amendments to the scheme/ address issues.
- the applicant/ agent responded by submitting amended plans
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

2. Drainage

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.

- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

Above ground storage of oils, fuels or chemicals - Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest.

All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

3. Southern Water

Southern Water has provided a plan of the sewer records, showing a sewer crossing the site. In this respect:

- No development or new tree planting should be located within 3 meters either side of the centreline of the foul sewer.
- No new soakaways should be located within 5 meters of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. The applicant is advised to discuss the matter further with Southern Water on 0330 3030119 or www.southernwater.co.uk.

Application Number 16/01708/AS

Location 2 Cypress Avenue, Ashford, Kent TN23 3JP

Grid Reference	99358/43116	
Parish Council	None	
Ward	Godinton (Ashford)	
Application Description	Change of use from amenity land to domestic garden	
Applicant	Mr V Patel, 2 Cypress Avenue, Ashford, Kent TN23 3JP	
Agent	Mr G Luker, 24 Bond Road, Ashford, Kent TN23 7UG	
Site Area	0.04ha	
(a) 8/1R	(b) N/A	(c) KHS - X

The Senior Planning Officer drew Members' attention to the Update Report, with the suggested addition of two new conditions.

One of the Ward Members attended and spoke in objection to the application.

Resolved:

Refuse

On the following grounds:

The proposal would be contrary to policy EN12 of the Ashford Borough Local Plan (2000) policies CS1 and CS9 of the Local Development Framework Core Strategy (2008), and Central Government advice contained in the National Planning Policy Framework (March 2012) and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The loss of amenity land and the enclosure and use of the land as domestic garden would detract from the established spatial layout and character of the Godinton estate through erosion of the existing open aspect of the street scene at the corner of Cypress Avenue and Loudon Way which would, as a result, harm the visual amenity of the area.
2. The harm identified at 1 above would set an unacceptable precedent in the locality for enclosure of space designed to have an open unenclosed character thereby leading to cumulative adverse impacts on the layout and visual character of the Godinton estate.

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 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.

Application Number	16/01806/AS
Location	Barn South of Peacock Villas, Giggers Green Road Aldington
Grid Reference	06741/ 35030
Parish Council	Aldington and Bonnington
Ward	Saxon Shore
Application Description	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.

Applicant	Mr M Boulden c/o Agent		
Agent	Mrs Jane Scott, Hobbs Parker Property Consultants LLP, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB		
Site Area	0.33 hectares		
(a) 4 / 4R	(b) X	(c) EHM X, KCC (Bio) X, PO (Drainage) X, CPRE R	

The Vice-Chairman took the Chair.

In accordance with Procedure Rule 9.3, the agent, Ms Scott, spoke in support of the application. The application site comprised an existing agricultural building, set back from the road in a line of existing residential dwellings. The land was used for agricultural storage and grazing. The building would benefit from permitted development rights for business or retail use under the current Prior Notification System. However, given the nearby residential dwellings, such a use was considered less appropriate than residential use, due to the likely impact from noise and activity from commercial uses. Instead, replacement was sought with a residential dwelling, reflecting the dimensions and scale of the existing building and constructed on the same footprint. The proposal reused the existing field access and maintained access to the adjacent field and land fronting Giggers Green Road, which was retained in agricultural use. Parking and the main garden area would be to the rear of the building and a hedge would be established to separate the front boundary from the grazing land fronting the road. Domestic use would be to the rear, behind the new dwelling. The Council could attach a condition removing permitted development rights for any garden buildings and any hard surface treatments above those already proposed for access and parking. Objections raised from neighbours focused on concern about increased traffic and impact on the AONB. However, this site and building were currently in agricultural use, and there were no limitations to use or traffic numbers. The building's existing appearance did little to help the overall appearance of this part of the AONB. This modest replacement scheme was supported by Aldington and Bonnington Parish Council and by one of the Ward Members. The proposals would result in an improvement in the appearance of this part of the AONB and enable the provision of a new dwelling, close to existing dwellings, within the rural area. At present the Council did not benefit from a five year supply of housing land, and the Officer's report accepted that the proposals would have economic and social benefits for the local economy in terms of job opportunities and sustaining local facilities and services. The NPPF introduced a more positive approach to rural development than the Tenterden and Rural Sites DPD and recognised the need for more housing in the rural areas. The NPPF also encouraged agricultural building conversions for a variety of uses under the Prior Notification Procedure, even within AONBs. The emerging Local Plan also promoted a positive approach to rural development in line with the NPPF.

One of the Ward Members attended and spoke in objection to the application.

Resolved:

Refuse

on the following grounds:

The proposal is contrary to policy GP12 of the Ashford Borough Local Plan 2000, Policies CS1, CS2, CS6, CS9 and CS15 of the Local Development Ashford Borough Council Framework Core Strategy 2008; Policy TRS1, TRS2 and TRS17 of the Tenterden and Rural Sites DPD, Policies SP1, SP2, SP6 and HOU5 of the Ashford Local Plan 2030 (consultation draft), Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposed development would result in an unjustified and isolated new home in an unsustainable location in the countryside, outside the built confines of any existing settlement thus encouraging reliance on unsustainable modes of transport such as the car. On this basis the proposed development would result in significant and demonstrable harm due to its lack of sustainability.
2. The proposed development would result in inappropriate sporadic residential development within the countryside. The proposed dwelling, by virtue of its bulk, scale, design and inappropriate use of materials, would be out of character with the established visual character of the local area and fail to respond positively to its context. Together with the domestication of the surroundings the development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character and cause significant and demonstrable harm to the landscape quality of the North Downs Area of Outstanding Natural Beauty which the National Planning Policy Framework affords the highest status of protection in relation to landscape and scenic beauty. The benefits associated with the development would not outweigh this harm,

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 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.

Application Number	16/00880/AS	
Location	St Marys Church, Church Lane, Hastingleigh, Kent TN25 5HN	
Grid Reference	61020/ 14450	
Parish Council	Hastingleigh	
Ward	Saxon Shore	
Application Description	Construction of a single storey extension on the north side of the church	
Applicant	Hastingleigh Parochial Church Council	
Agent	n/a	
Site Area	0.18Ha	
(a) 3 / 1x	(b) +	(c) KCC H&C x, HE x

The Chairman returned to the Chair.

One of the Ward Members attended and spoke in support of the application.

Resolved:

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

The proposal is contrary to policies EN23 of the Ashford Borough Local Plan 2000, Policies CS1, CS2 and CS9 of the Local Development Ashford Borough Council Framework Core Strategy 2008; Policies SP1, SP6 and ENV13 of the Ashford Local Plan 2030 (consultation draft), Central Government guidance contained in the NPPF as a whole and would therefore constitute development harmful to interests of acknowledged planning importance for the following reasons:

- 1 Insufficient information has been provided to provide a clear and convincing justification that the benefits of the proposal outweigh the harm that would be caused to the Grade I listed church. Alternative options have not been fully explored that could cause less harm. The public benefits that have been identified do not outweigh the harm and in particular the impact of the proposal on the ancient walling surrounding the north door.
- 2 Insufficient information has been provided, in the form of an archaeological assessment, to understand the possible impact on very sensitive and rare Early Medieval structural remains and possibly on unmarked graves.
3. In the interest of minimising the impacts of increased urbanisation of the water environment new development must ensure that there are no direct or indirect adverse effects on the quality of water supplies. The applicant has failed to demonstrate that a satisfactory connection to the mains water supply can be achieved and no information has been provided as to the ability to achieve a suitable means for disposing of foul water.

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 applicant was provided the opportunity to submit additional information or amendments.
- Input from the Council and stakeholders dates back to 2008 when a pre application enquiry was submitted. The Council have tried to work with the Applicant and in particular considered alternative locations for the proposal. An agreed position has not yet been achieved.

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

Queries concerning these Minutes? Please contact Rosie Reid: Telephone: 01233 330565 Email: rosie.reid@ashford.gov.uk.
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