

Planning Committee

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

Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Bradford, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Farrell, Galpin, Heyes, Hicks, A Howard, Krause, Macpherson, Waters.

Apologies:

Cllr. Ovenden.

Also Present:

Cllrs. Mrs Bell, Mrs Dyer, Pickering.

Head of Development, Strategic Sites and Design; Corporate Director (Place and Space); Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

190 Declarations of Interest

Councillor	Interest	Minute No.
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	192 – 17/00469/AS
Bennett	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	192 – 17/00469/AS
Mrs Blanford	Made a Voluntary Announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England, who had not commented on any item on the agenda.	192 – 17/00469/AS
Clarkson	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	192 – 17/00469/AS
Clokie	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	192 – 17/00469/AS

Farrell Made a Voluntary Announcement that he was a 192 –
Member of Kent County Council. 17/00469/AS

191 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 20th September 2017 be approved and confirmed as a correct record.

192 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	17/00469/AS
Location	Ashford Golf Complex, Bears Lane, Bethersden, Ashford, Kent, TN23 3BZ
Grid Reference	96069/42863
Parish Council	Bethersden
Ward	Weald Central
Application Description	Hybrid Planning Application comprising:- A Full Application for the Erection of 1No. Dwelling with Associated Landscaping and Access And An Outline Application for the Erection of 6No. Dwellings including detail relating to Access, Layout and Landscaping (Scale and Appearance as Reserved Matters)
Applicant	Great Chart Golf & Leisure Limited, Bears Lane, Bethersden, Ashford, Kent, TN23 3BZ
Agent	Mr Nathan Anthony, Lee Evans Planning, St Johns Lane, Canterbury, Kent, CT1 2QQ
Site Area	10ha

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report which clarified the main Parish, Ward and Ward Members for the application, and noted that a small portion of the site was in another Parish and Ward.

In accordance with Procedure Rule 9.3, Mr Lee Evans, the agent, spoke in support of the application. This proposal was for a small, bespoke development of exclusive properties. There was a clear desire on the part of the Council to deliver, through the Local Plan, not only general market housing, but also a high-end portfolio of properties to cater for the 'captains of industry' on sustainable rural sites. This scheme was intended to respond to this need without setting a precedent. The current Local Plan did not cater for this demand. The Council could not demonstrate a 5 year housing land supply and on this basis less weight could be given to the policies relating to the supply of housing. The NPPF stated that in such circumstances permissions should be granted, unless adverse impacts would significantly outweigh the benefits. In this case, the benefits outweighed any harm suggested in the Officer's report. This scheme responded positively to all three dimensions of sustainable development. The site was not isolated. It abutted the railway line, and to the south there was the applicant's leisure complex and a house. The site was also close to many services and facilities, including Ashford International Station. The design would deliver outstanding properties. High quality materials and Passivhaus energy standards would be in excess of those found

across the majority of other developments in the Borough. The golf course was not economically viable. Although it was acknowledged that it was not the Council's role to prop up businesses, allowing this development would provide funds to support the existing main leisure complex, which was an asset for the community. The scheme would enhance ecological and landscape features of the site. An ecology plan had been submitted, and KCC had commented that the proposed ecological measures were thorough and robust, and would provide net gains for biodiversity.

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

Resolved:

(1) That for the following reasons the application be approved:

- The site represents developed land in that it has been re-contoured and partly surfaced as a golf course and as such is not undeveloped farmland.
- There would be limited visual harm due to topography, existing and proposed planting and the 2 storey scale of the dwellings.
- Taking into account existing traffic movements there would be little or no increase in traffic movements and thus no significant additional unsustainable journeys.
- There would be a net benefit to bio-diversity.

(2) **Permit**

Subject to the following conditions:-

Implementation Period

Full planning permission Plot 3

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.

Outline planning permission Plots 1, 2, 4, 5, 6 and 7

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

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Archaeology

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

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

Compliance with approved plans

5. 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 in writing.

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.

6. The development approved shall be made available for inspection, at a reasonable time, by the Local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the

protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Ecology

7. The development shall be carried out in accordance with the recommendations in the approved Extended Phase 1 Habitat Survey and associated appendices by Southern Ecological Solutions dated 19.12.16 , Great Crested Newt Survey by Southern Ecological Solutions dated 16.06.16 and Biodiversity Mitigation and Enhancement Plan and associated appendices by Southern Ecological Solutions dated 19.12.16 and any licence issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

Reason: To protect existing populations of protected species on the site.

8. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated surveys where appropriate;
 - c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
 - f) Use of protective fences, exclusion barriers and warning signs;
 - g) Initial aftercare and long-term maintenance (where relevant); and,
 - h) Disposal of any wastes arising from implementing work.

The works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings hereby approved and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

9. No development shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to suffer from disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; and,
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or have any detrimental impact on the nearby Site of Special Scientific Interest, Ancient Woodland and Local Wildlife Sites.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy prior to the first occupation of the dwellings hereby approved and these shall be maintained thereafter in accordance with the approved strategy.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts.

10. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement and management of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Appropriate management options for achieving aims and objectives;
- e) Extent and location/area of proposed works on appropriate scale maps and plans;
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long term maintenance;
- j) Details for monitoring and remedial measures;
- k) Details for disposal of any wastes arising from works (where relevant).

The EDS shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby approved and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

Fine detailing

11. The details submitted pursuant to Condition 2 of this permission shall show Plots 1, 2, 4, 5, 6 and 7 to be of a maximum 2-storey height and form and where second floor accommodation is proposed, this must be provided wholly within the roof space. The details shall also show how each of these Plots accords with the Technical housing standards – nationally described space standard, and the Council's adopted Residential Space & Layout SPD, and achieves Passivhaus standards or any other standard adopted by the Local Planning Authority.

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

12. The following details for Plot 3 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority:
- a) The location and colour of rain water and soil pipes;
 - b) The location, size and colour of external vents, grilles and flues in walls or the roof;
 - c) 1:20 scale details showing the form of external electricity and gas boxes housing meters and associated pipe work, together with their precise proposed location on an elevation;
 - d) 1:5 scale joinery details; and,
 - e) 1:20 scale typical details and sections through ridge, eaves and soffits, window reveals and chimneys.

Reason: To ensure that the external fine detail of the dwellings is of a high design quality and in the interests of visual amenity.

13. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally on Plot 3 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.

14. The development shall be carried out in accordance with the principles outlined in the Design Code by Lee Evans Partnership dated January 2017.

Reason: To ensure that the external fine detail of the dwellings is of a high design quality.

Highways

15. No works associated with the construction of the dwellings hereby approved and associated hardstanding shall begin on site until the approved access has been constructed, and the visibility splays shown on approved Drawing No. 08314-A-L-(00)-X-0220 Revision A Proposed Junction Vision Splays, within which there shall be no obstruction in excess of 0.95m in height above the carriageway edge, have been provided and the splays shall be so maintained at all times. Thereafter, construction traffic shall only use this access during the remainder of the construction of the development.

Reason: In the interests of highway safety.

16. Before any construction commences on the site, the following shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Routing of construction and delivery vehicles to / from site;
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel;
 - (c) Timing of deliveries;
 - (d) Provision of wheel washing facilities; and,
 - (e) Temporary traffic management/signage.

These matters approved shall then be implemented as approved and so maintained in full during the construction period unless otherwise agreed in writing by the Local Authority.

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

17. The first 5m of the access from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

Reason: To ensure that no gravel 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.

Parking

18. The area shown on approved Drawing No. 08314-A-L-(00)-X-0209 Revision B Proposed Ground Floor Plan and Drawing No. 3958_DR_002 Plot 3 Landscape Treatment as vehicle parking space, garages and turning for Plot 3 shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before

Plot 3 is first occupied, 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) 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 this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

19. Details of motor vehicle parking facilities for Plots 1, 2, 4, 5, 6 and 7 (that accord with the Council's adopted Residential Parking & Design Guidance SPD or any other standards adopted by the Local Planning Authority and clearly show which spaces relate to which unit as well as those that are communal/visitor spaces) shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the development to which they relate being occupied. Thereafter, the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.

Reason: To ensure the provision and retention of adequate off-street parking facilities in the interests of highway safety.

20. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on its Plot, in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. Such approved covered bicycle parking shall thereafter be retained in perpetuity.

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

Levels

21. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas, including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. The development shall only be carried out in accordance with the approved details.

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

Boundary treatment

22. 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 (including the ragstone wall gateway feature shown on approved Drawing No. 3958_DR_001 REV B Indicative Landscape Masterplan). The walls and fences shall then be erected prior to the first occupation of the dwellings hereby approved 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.

LandscapingSoft Landscaping

23. The development on Plot 3 shall be carried out fully in accordance with the landscaping scheme shown on approved Drawing No. 3958_DR_001 REV B Indicative Landscape Masterplan within 12 months of the completion of the development on Plot 3. 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.

Hard Landscaping

24. The development on Plot 3 shall be carried out fully in accordance with the hard/soft landscaping shown on approved Drawing No. 3958_DR_002 Plot 3 Landscape Treatment within 12 months of the completion of the development on Plot 3.

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

25. A hard/soft landscaping scheme for Plots 1, 2, 4, 5, 6 and 7 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development on these plots and the development shall be carried out in accordance with the approved details within 12 months of the completion of the development on these plots.

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

Existing Trees

26. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved plans and particulars, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
 - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever is the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority; and,
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.

27. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable

and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

28. In the above condition, a “retained tree or shrub” is an existing tree or shrub that 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 last occupation of the approved dwellings.
- (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*;
 - (b) If any retained tree or shrub is cut down, uprooted, 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 LPA; and,
 - (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 required to be 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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Management

29. None of the dwellings hereby approved shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens has been submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

Lighting

30. Prior to its erection on site, details of any external lighting proposed (including height, design, location, intensity and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in strict accordance with the approved details and thereafter maintained. No external lighting shall be installed on the site other than that so approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

Drainage

31. None of the dwellings hereby approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

32. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water based on the principles of the approved Flood Risk Assessment by Herrington Consulting Limited dated March 2017 and in line with the Council's Sustainable Drainage SPD (October 2010) shall be submitted to and approved in writing by the Local Planning Authority.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) ensure no increase in the run-off rate in accordance with the Council's Sustainable Drainage SPD; (iv) promote biodiversity, (v) return the water to the natural drainage system as near to the source as possible, (vi) operate both during construction of the development and post-completion, (vii) prevent the discharge of surface water onto the highway.

The submitted details shall include:

- identification of the proposed discharge points from the system;
- a timetable for provision of the system; and,
- arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be installed and thereafter maintained in accordance with the approved Details.

Reason: 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.

Permitted development

33. 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 and Class A of Part 2 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority in writing.

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

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall each only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

Refuse collection

35. Prior to the commencement of the development, full details of tracking and servicing and facilities to accommodate the storage of refuse and material for recycling for each Plot and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 2 and approved in writing by the Local Planning Authority. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

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

Notes to Applicant

1. In connection with condition 32 an investigation of the surface water drain under the railway needs to be carried out as localised surface water flooding regularly occurs.

2. The applicant should note that in reaching their decision members of the Planning Committee were persuaded by the low number of high quality dwellings and they would not wish to see numbers increased to the detriment of these objectives.

Application Number	17/00298/AS
Location	1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW
Grid Reference	86844/42772
Parish Council	Smarden
Ward	Weald North
Application Description	Retrospective application for a first floor extension to garage to form annexe for ancillary residential use
Applicant	Mr R Underdown, 1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW
Agent	N/A
Site Area	0.13ha
(a) 4/1S	(b) Parish R (c) -

In accordance with Procedure Rule 9.3, Ms Ellison spoke on behalf of Smarden Parish Council in objection to the application. She apologised for bringing this relatively minor application before the Committee. However, Smarden Parish Council believed they had a duty of care to their residents where they believed there was an unfair issue. This was a retrospective application, and the applicant should have applied for planning permission for this annexe. The application was only received following a report to the Council by Smarden Parish Council. Smarden Parish Council had withdrawn their objection as it was already built and occupied. However, they had asked repeatedly for the window overlooking no 4 Hadman Cottages to be removed and relocated to the side of the property, overlooking open fields. This would benefit all parties. Should planning permission have been sought at the correct time, this would have been an obvious comment from the Parish Council. The applicant had offered to put opaque glass and a high opening into the current window. The Parish Council did not believe this was acceptable as it was a large window and whatever glass was put in would inevitably shine light onto the rear garden and back of the neighbouring property at no 4. This would remove the privacy, which had been afforded this cottage over the years. This site was out in

the countryside and not within the village envelope. It was accepted that, when the trees were in full leaf, it was not so easy to see this large window and dwelling from no 4, but during the autumn and winter months there was little tree cover and lights from this large window were visible, intrusive and annoying. The Officer clearly had a level of concern, as reflected in the recommended conditions. The Parish Council believed no 4 was the only property affected by this unauthorised development, as the other dwellings were either owned by the applicant or rental. The Parish Council asked that, if the Committee were minded to approve this retrospective planning application, a condition should be applied that the window be relocated to the side of the property overlooking the fields.

The Ward Member attended and supported the views and suggestions of the Parish Council.

Resolved:

(A) That subject to the receipt of amended plans deleting the bedroom window in the north west elevation and substituting it with a velux window in the south west elevation, which are acceptable in the opinion of the Head of Development, Strategic Sites and Design, authority be delegated to the Head of Development, Strategic Sites and Design to Permit the application.

(B) Permit

Subject to the following conditions and notes:

1. The first floor annexe accommodation hereby permitted shall only be used and/or occupied for purposes ancillary to the residential use of the existing dwelling at 1 Hadman Cottages, Bell Lane, Smarden, Ashford, Kent, TN27 8PW and the users/occupiers shall have a direct family relationship to the occupiers of that existing dwelling. The first floor annexe accommodation shall not be sub-divided, separated, let or sold off, or altered in any way so as to create a separate independent residential unit.

Reason: A use separate from the existing dwelling as a separate independent residential unit would conflict with Government guidance in the NPPF and local plan policy relating to protection of the countryside.

2. Within two months of the date of this decision notice to grant planning permission the first floor bedroom window to the north-west facing elevation of the annexe extension hereby approved shall be fitted with obscure glass and shall be fitted so as to be non-opening below a height of 1.7 metres above the finished floor level of the room the window serves. The first floor bedroom window to the north-west facing elevation of the annexe extension shall be retained and maintained as such at all times thereafter.

Reason: In the interests of the privacy and amenities of the occupiers of the neighbouring dwellings.

3. 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).

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

Note to Applicant

1. Working with the Applicant

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

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

In this instance:

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

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