

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th October 2018**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Bradford, Clarkson (ex officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Krause, Macpherson, Ovenden, Waters, Mrs Webb, Wedgbury, White.

In accordance with Procedure Rule 1.2(iii) Cllrs. White and Mrs Webb attended as Substitute Members for Cllrs. Buchanan and Knowles.

Apologies:

Cllrs. Buchanan, Chilton, Knowles.

Also Present:

Cllrs. Farrell, Feacey, W. Howard.

Head of Development Management and Strategic Sites; Senior Planning Officer; Tree Officer; Corporate Director (Place and Space); Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

199 Declarations of Interest

Councillor	Interest	Minute No.
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society, who had not commented on any agenda items.	
Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society, who had not commented on any agenda items.	
Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council.	202 – 17/00264/AS 202 – 17/01589/AS 202 – 18/00938/AS

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Heyes	Declared an Other Significant Interest as he lived near the site. He would speak as a Ward Member and then leave the Chamber, which he did.	202 – 17/01589/AS
White	Made a Voluntary Announcement as he was Portfolio Holder for Housing.	202 – 18/00938/AS

200 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th September 2018 be approved and confirmed as a correct record.

201 Site Visit - 18/00410/AS - Pett Farm, Pett Lane, Charing, Ashford, TN27 0DS

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Two letters had been received reaffirming objections to the application, and a letter of support had been received from Charing Parish Council. There was an amended typo on page 8 of the report, as well as replacement wording to Condition 1 of the October Update. Condition 2 of the October Update remained in place with the addition of a phrase added at the end.

In accordance with Procedure Rule 9.3, Ms Whitehead, the agent, spoke in support of the application. She referred to a letter previously sent to the Planning Committee by an objector. She said the Planning Officer could have concluded this case five months ago under delegated powers were it not for the objections raised, and the objector's request that this application be considered by Planning Committee. Ms Whitehead drew Members' attention to the background planning surrounding the objector's own dwelling. It was because of this arguably unfair planning delay that the applicant began the project, having received previous advice that his application would receive delegated approval. He needed to live at Pett Farm for well-justified equine and animal welfare, human safety, management and security reasons. This application had the full support of the Planning Officer, the county agricultural adviser, the Parish Council and a number of individuals who had written in support. It was a modest log cabin which met the Caravan Act 2006 requirements. It was linked to existing infrastructure, was single storey and grouped with existing buildings. It did not overlook Pett House directly, and the alleged impact of the log cabin on Pett House was unfounded. No amenity of privacy would be harmed and the log cabin was not visible from Pilgrims Way. It had direct sight lines over the main alarmed entrance, pig farrowing and yard. The conditions proposed by the Planning Officer were fair and acceptable to the applicant. Apart from a noted

repetition and shortfall of a month in the three-year term, there was no need to amend any of the conditions, contrary to comments by the objector. New indigenous planting would provide further screening as appropriate in the AONB. Members had previously supported comparable cases. Pett Farm had many operations which required an individual to live on the farm for animal and human welfare, safety and security. Ms Whitehead asked Members to support the application.

In accordance with Procedure Rule 9.3, Mrs Bain-Smith, on behalf of Charing Parish Council, spoke in support of the application. She said that an onsite presence was required on the farm, as evidenced by the recent litter of piglets born in the night. The pigs were a major part of the agricultural activity of the farm, requiring daily attention. Veterinary emergencies also occurred in the night. The applicant was also managing sheep, which required him to be responsible for daily monitoring and provision to the animals. Following his inheritance of the farm 4 years ago, the applicant had undertaken a great deal of restoration of the farm. He was still building up the agricultural side of the business and the animals required careful management and nurturing, as well as general maintenance of hedges, trees, fences, public footpaths as well as litter and fly-tipping. The occupier of Pett Place was only normally resident at weekends, so his observations may be treated as hearsay. He did not observe events on the farm on a daily basis. Local residents who walked the lanes and footpaths observed the applicant at work on a daily basis and appreciated the results of his hard work and enjoyed watching contented and well-tended animals. Farmers were expected to be custodians of the countryside and to diversify. The equestrian side of the business was a necessary diversification to subsidise the agricultural side. It also required an onsite presence. Officers had recommended support for the applicant, and the Council's consultants had confirmed that a sufficient case of need had been demonstrated for temporary rural workers accommodation. Charing Parish Council supported local businesses and employment opportunities, as well as outdoor recreational facilities, particularly when these resulted in improved well-being. The Parish Council agreed that the provision of a dwelling to serve the established and future needs at Pett Farm was fundamental to the ongoing success of this business. Mrs Bain-Smith urged Members to support the application.

Resolved

Permit

Subject to the following Conditions and Note:

1. The use of the site for the stationing of a single mobile home and the occupation of the mobile home hereby permitted shall be carried out only by a person solely or mainly working or last working in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry or a widow or widower of such a person and any resident dependents.

Reason: The site is outside any area in which residential development would normally be permitted unless essential to the local needs of agriculture or forestry.

2. The use of the site for the stationing of a single mobile home shall cease by 19th September 2021 or at the cessation of the pig-keeping or equestrian uses of Pett Farm whichever shall occur first. The mobile home, concrete base and all materials and equipment brought on to the site in connection with the use shall be removed and the land restored to grass within three months following 19th September 2021 or at the cessation of the pig-keeping or equestrian uses of Pett Farm.

Reason: The site is outside any area in which residential development would normally be permitted.

3. Within one month of the date of this decision, details of the means of disposal of foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall thereafter be installed within one month of the approval of the Local Planning Authority having been given and the approved works shall be retained in an effective working order whilst the mobile home remains at the site.

Reason: To avoid pollution of the surrounding area.

4. Within one month of the date of this decision, details of a landscaping scheme for the site which shall include proposed screening on the south west boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out fully within a planting timetable to be agreed as part of the landscaping scheme which shall provide for planting in the forthcoming planting season. Any trees or other plants which within a period of five years following planting die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species unless the Local Planning Authority give prior written approval to any variation.

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

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

Reason: In the interests of amenity of adjoining residents.

6. The mobile home hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme

shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

7. 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.

8. 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 the Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative 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

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- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

202 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	17/00264/AS
Location	Land adjoining 74, New Street, Ashford, Kent
Grid Reference	05046 44489
Ward	Victoria
Application Description	Erection of fourteen apartments with associated access, parking, landscape, refuse storage and bicycle storage.
Applicant	BTL Developments Ltd
Agent	Mr M Gomez, BTL Design Unit 1, New Street Farm, Chilmington Green Road, Great Chart, Ashford, Kent, TN23 3DL
Site Area	

1st Consultation

(a) 48/11R	(b) -	(c) KH&T X, KCC (Dev) X, EHM X, PO (Drainage) R, POS X, ABC (Housing) X, SW X, NHS -
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2nd Consultation

(a) 48/8R	(b) -	(c) KH&T X, KCC(Drainage) X, KCC (Dev) X, EHM X, PO (Drainage) X, POS X, ABC (Housing) -, SW X, NHS -
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The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. One further representation had been received in objection to the application, and the wording to the end of recommendation (A) had been amended.

In accordance with Procedure Rule 9.3, Ms Perry, a local resident, spoke in objection to the application. The proposed building would be four storeys high, which would tower over the adjacent homes. Balconies on the roundabout may be used for washing and storage, to be on view on a major gateway to Ashford. The Planning Officer referred to houses in Kent Avenue, in the Conservation Area, as being unremarkable. This may be the case, but they had their own charm and these Victorian artisan dwellings formed the bulk of the Conservation Area. As such, they should be protected. The private track at the rear was unsuitable to support further traffic. The track formed a right of way and rear access from nearby properties. It was already used by vehicles from those properties, and by pedestrians. It was their right to continue to do so safely. The track was too long and narrow with a 90 degree corner and could not support further traffic.

In a previous application, only 9 vehicles were deemed acceptable and anything over that was considered dangerous. Ms Perry questioned how construction vehicles could access the site. There was no provision for visitor parking as the surrounding roads were already saturated, with no resident-only parking. There were no other buildings in the locality at the height of the proposed development. On a previous application the corner plot on which the hoardings were situated was not in the applicant's ownership. Ms Perry could find no mention of this and questioned whether the situation had changed. The report cited planning permission of the Prince Albert as being relevant, however 'two wrongs don't make a right'. This building would dominate the nearby dwellings. If the Prince Albert application was relevant, so too was the application regarding the land at the rear of Volunteer House, where a single storey building was rejected by the Inspector for not enhancing the Conservation Area. Neither would this project.

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

Resolved:

Refuse

The proposed development would be contrary to policies CS1, CS9, CS15, CS18 and U24 of the Local Development Framework Core Strategy (July 2008), policies SP1, SP6, TRA7, COM1, COM2 and IMP1 of the Ashford Borough Emerging Local Plan (2030), and to Central Government guidance contained in the National Planning Policy Framework (2018) and would therefore be harmful to interests of acknowledged planning importance for the following reason:

- (a) The proposed additional use of the private access to the rear of properties in Kent Avenue would be likely to lead to conflict between existing and proposed users by virtue of the access roads substandard nature and in particular narrow width, to the detriment of amenity.
- (b) In the absence of a s106 agreement for the obligations set out in Table 1 of the report for the financial contributions towards the provision of children's and young people's play space, informal/natural green space, outdoor sports strategic parks, allotments, libraries and healthcare.

Application Number : 17/00294/AS

Location: Ashford Indoor Bowls Centre Ltd, Victoria Park, Jemmett Road, Ashford, Kent, TN23 4QD

Grid Reference: 00319/42078

Ward: Victoria (Ashford)

Application Description:	Proposed new parking area with permeable surfacing	
Applicant:	Ashford Bowls Centre Ltd	
Agent:	architecture2interior design	
Site Area:	0.1521 ha	
(a) 19/7R, 1S	(b) -	(c) KHS/X

In accordance with Procedure Rule 9.3, Mr Jeffery, a local resident, spoke in objection to the application. He said that if this proposal was allowed it would affect local residents' lives. The report stated that any noise disturbance or inconvenience caused from the development would not be significantly worse than that already caused by Jemmett Road. In fact, the majority of adjoining dwellings to the development fronted Rising Road, therefore were not subject to any noise disturbance from the road, which was a quiet area during the evenings. Perceived congestion along Jemmett Road was caused by commuters parking during the day. There were no congestion or parking issues during the evenings or for any prolonged period during the weekend. The car park development would not alleviate any traffic congestion on Jemmett Road. Any available space would be taken up by further commuter parking. The congestion issues along the access road into Victoria Park were caused by members of the Bowls Centre parking for convenience, despite spaces being available throughout the day and evenings, including empty disabled bays within the existing car park. This had been the case since 2004. From 3pm Victoria Park nursery staff had left the car park and the majority of commuters and park users had left the area, creating ample parking. The existing car park met the need. The residents objected to gravel surfaced car parking development being attached to 8 tranquil, secluded residential gardens. There would be noise disturbance and pollution from cars using the car park. There would be no respite from disturbance as the Bowls Centre operated from 8am to 11pm, 7 days a week. Mr Jeffery said the applicant had not been transparent with the planning application as it did not include lighting to service the car park. This would be a necessity as the area was pitch black at night. Harm from light pollution was a reason for objection. The report referenced neighbours' objections to harmful lighting. A future planning application would be made to install lighting, should the development go ahead. Noise disturbance, inconvenience and harmful light pollution, caused by the development, would be significantly detrimental to the area and blight the residents' amenity.

In accordance with Procedure Rule 9.3, Mrs Howard, the applicant, spoke in support of the application. She said Bowls Club members would welcome a decision after waiting 20 months. She clarified that the car park would close at 10pm most evenings from October to April, not 11pm as in the report. In the summer the Club closed at 2pm. Club members did not linger in the car park. The fire risk was low. Regarding the oak tree, T13, the Officer appeared to believe that it had a similar life to the other trees, but the consultant employed by the Club concluded that this tree was in bad condition, with

a poor crown, poor stem and only a fair base. It was recommended that the tree be felled. By contrast, the other three trees were regarded as good quality and worthy of protection. Mrs Howard questioned why, if the trees were so important to the Borough, the Tree Preservation Order was only applied five months after the application was filed. She also asked why only four trees had been chosen for preservation out of the ten common oak trees on the site. The alternative sketches put forward by the Planning Officer were both dismissed as unsuitable as one created a car park covering the whole front of the building and the other increased the cost by over 50%. Mrs Howard advised that Cellweb was a tried and tested method. It ensured that no machinery caused damage to nearby trees during construction. It was also proposed that protective barriers be put in place, new trees were planted and a natural bund created to reduce potential noise pollution. The Club was keen to support the Council's strategies and provided a valuable resource for all ages, particularly for the over 50s population. Membership of the club had doubled in the last 15 years, with the Club celebrating successes at both county and national level and pressure on car parking in the Jemmett Road area was even greater. The Club had met with Officers regarding the Victoria Road development. The ABC website plans plainly showed a car park next to the Bowls Centre in the proposed location. Voting against this application would be contradictory to the draft Victoria Park Masterplan.

One of the Ward Members attended and spoke against the application.

Resolved:

Refuse

on the following grounds:-

The proposed development would be contrary to policies EN32 of the Ashford Borough Council Local Plan (June 2000), policies CS1, CS2, CS9 and CS11 of the Local Development Framework Core Strategy (July 2008), policies SP1, SP6, ENV1 and ENV3a of the Ashford Borough Emerging Local Plan (2030), the Council's Landscape Character Supplementary Planning Document (April 2011) and to Central Government guidance contained in the National Planning Policy Framework (2018) and would therefore be harmful to interests of acknowledged planning importance for the following reasons:

(a) The proposed development would result in detrimental harm to T13 which is a valuable veteran tree with a Tree Preservation Order. This tree is of cultural significance and currently positively contributes to the character and appearance of Jemmett Road and the local area, and harm to this tree will be detrimental to its long term health and will consequently result in its loss.

(b) The proposal would result in overdevelopment of the Root Protection Areas (RPA) of trees T2, T6 and T13 which have a Tree Preservation Order and would cause significant threat to their long-term health which would consequently result in their loss.

(c) Given the proximity of the proposed car parking spaces to protected trees T1, T2, T6 and T13 on this site which are healthy trees of high landscape significance and which currently make a positive contribution to the street scene and the local area, a development as proposed would put pressure on these trees to be pruned or felled in the future, which will be detrimental to their long term health and would consequently result in their loss.

The loss of these protected trees would in turn significantly undermine the positive visual, ecological and biodiversity contribution the site makes to the existing street scene and the character of the local area, and would result in a development that would detract from the visual character and appearance of Jemmett Road, and the local area, contrary to policies. No overriding justification has been provided to outweigh this significant harm.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- The applicant was provided the opportunity to submit amendments to the scheme.
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Application Number 17/01589/AS

Location Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent

Grid Reference 600132 / 143019

Parish Council None

Ward Godinton Ashford

Application Description Applicant Full Planning Application for Construction of Seven 2 bedroom apartments and a 2 bay car port
Mr Simon Ross

Agent John Harmer, JPD Architecture Ltd, Tower Farm House, Faversham Road, Ashford, Kent. TN25 4HT

Site Area 0.1706 hectares

1st Consultation

(a) 51/8R	(b) - -	(c) KF&R-X, HS1-X, SW X, KCCH&T-O, KCCEAS-O, KCCFRO-X, – EHP(ABC)-O, PDE(ABC) O,, TO(ABC)-X,
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2nd Consultation

(a) 51/8R	(b) -	(c) KF&R-X, KCCH&T-X, KCCBO-X, KCCFRO-X, ECE(ABC) – EHP(ABC) X, PDE(ABC) X,
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One of the Ward Members attended and spoke of his concerns regarding the proposals.

Resolved:

That a site visit should be arranged prior to the next meeting of the Planning Committee.

Application Number 18/00938/AS

Location East Stour Court

Grid Reference 01798/42381

Parish Council	None	
Ward	Stour (Ashford)	
Application Description	Demolition of existing sheltered housing and replacement with over 50s sheltered housing scheme comprising 24 no. 1 bed/ 2 person apartments 5 no. 2bed/3 person apartments, communal facilities .	
Applicant	Mrs Sharon Williams, Head of Housing, Ashford Borough Council	
Agent	Mrs Elizabeth Mitchell, Development and Regeneration Officer, Ashford Borough Council	
Site Area	0.47ha	
(a) 79/1C	(b) -	(c) KCCH&T X KCC Heritage X KCC Drainage X PO X EP X Culture X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. There was an amendment to the description of the development and Condition 23 was reworded.

Resolved:

- (A) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations as detailed in table 1, in terms agreeable the Development Control Manager or the Head of Development Strategic Sites and Design in consultation with the Director of Corporate Services, with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Manager to make or approve minor changes to the planning obligation and planning conditions, as they see fit.**

Heads of Terms for Section 106 Agreement/Undertaking

	Planning Obligation	Reg 122 Assessment
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	Detail	Amount(s)	Trigger Point	
1	<p>Specialist Affordable Housing</p> <p>The flats shall only be occupied by people aged 50 years or older and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are below market. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats shall be managed by a registered provider of social housing or other body approved by the Council.</p>	None	None	<p>Necessary as the site currently provides sheltered affordable accommodation. There is a clear and demonstrable need for the provision of such accommodation to address a current under provision and the loss of the site for such accommodation would significantly harm such provision in the locality.</p> <p>Directly related as the scheme proposes redevelopment of existing sheltered housing provision for the over 50s for the same tenure.</p> <p>Fairly and reasonably related in scale and kind as there is no intention for persons under the age of 50 and in need of affordable accommodation to live in the units</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the council web site in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>				

(B) Permit

Subject to the following Conditions and Notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the 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.

3. No development above foundation level shall be carried out on the land until written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

4. Before any works above foundation level are carried out the following details (typically at 1:20 or 1:50 scale) shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

(a) Eaves and ridge to roofs, decorative brick work, railings to balconies

(b) Window and door reveals

(c) Mechanical ventilation or flues to be installed including location, dimensions, colour and material

(d) Rainwater goods

(e) Dwarf walls with railings

Reason: In the interests of visual amenity

5. Before any development above foundation level details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority.. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with

the approved details unless previously agreed in writing by the Local Planning Authority.

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

6. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

7. Development shall not 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 be based on the principles within the Surface Water Management Strategy by Herrington Consulting Limited (August 2018). The drainage scheme shall also 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 without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components

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- A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system
 - Details of the future maintenance requirements of each drainage or SUDs component, and the frequency of such inspections and maintenance activities
 - Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards

9. In this condition a “retained tree or shrub” is an existing tree or shrub 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/commencement of use of the approved development) for its permitted use.

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.

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.

10. No development shall take place above foundation level until a hard and soft landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) has been submitted to and approved in writing by the Local Planning Authority. 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.

11. Prior to development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- a) Provision and turning areas for construction and delivery vehicles and site personnel;
- b) Provision of wheel washing facilities;
- c) Hours of construction (0800 -1800 Monday to Friday and 800-1300 Saturday only with no noisy works on Sundays or Bank/Public Holidays)
- d) Details of dust minimisation (refer to IAQM guidance on controlling dust on construction sites)

The development shall then be implemented in accordance with the approved plan.

Reason: In the interests of highway safety and the amenities of neighbouring residents

12. The area shown on drawing number ESC01-002 Rev A as vehicle parking spaces shall be provided, before the use is commenced, 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

13. The first 5 m of the access drive from the edge of the public highway shall be constructed of a bound gravel.

Reason: In the interests of highway safety.

14. Prior to the first occupation of the building, measures shall be introduced to prevent the discharge of surface water onto the public highway.

Reason: In the interests of highway safety

15. Prior to the use of the site commencing details of the covered cycle parking facilities shall be submitted to an approved in writing by the Local Planning Authority. The approved facilities shall be completed prior to occupation of the development and shall thereafter be retained.

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

16. No development shall take place above foundation level until full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling has been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first occupation of any of the dwellings hereby approved. 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 approved facilities shall be retained and maintained 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.

17. Prior to the use of the site commencing, the access shown on plan ESC01-02 Rev A shall be provided and permanently maintained.

Reason: In the interests of highway safety

18. Prior to the use of the site commencing, the visibility splays shown on plan EC01-002 Rev A shall be provided and maintained with no access obstruction over 0.6m above carriageway level within the splays.

Reason: In the interests of highway safety.

19. Prior to the use of the site commencing the existing access shall be closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

20. None of the dwellings shall be occupied until the sewage disposal works have been completed in accordance with plans submitted to and approved in writing by the local planning authority.

Reason: To avoid pollution of the surrounding area.

21. Prior to the first occupation, at least one designated parking space shall be provided with an electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

22. Prior to the first occupation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

23. Prior to the installation of external lighting details shall be submitted and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.”

Reason: In the interests of amenity of adjoining residents.

24. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 “Model Procedures for the Management of contaminated land” published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

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- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
 - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

 - A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team on (01233 331111).

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

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

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

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

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

Notes to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3. It is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Application Number	18/01022/AS	
Location	42 Knatchbull Way, Brabourne, Ashford, Kent, TN25 6PY	
Grid Reference	08380/42093	
Parish Council	Brabourne	
Ward	Saxon Shore	
Application Description	Single storey rear extension and addition of pitched roof to existing side extension	
Applicant	Mr & Mrs M Hollingsbee, 42 Knatchbull Way, Brabourne, Ashford, Kent TN25 6PY	
Agent	A J Scott	
Site Area	0.03 ha	
(a) 7/-	(b) X	(c) -

Resolved:

Permit

Subject to the following Conditions and Note:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the 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.

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/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.

4. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

Note to Applicant

1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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Queries concerning these Minutes? Please contact membersservices@ashford.gov.uk
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