

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **3rd July 2019**.

Present:

Cllr. Burgess (Chairman);

Cllr. Mrs Blanford (Vice-Chairman);

Cllrs. Chilton, Clarkson (ex officio), Clokie, Forest, Harman, Heyes, Howard, Howard-Smith, Krause, Ovenden, Shorter, Smith, Spain, Sparks, Ward, Wright.

Apologies:

Cllr. Knowles.

Also Present:

Cllrs. Bartlett, Campkin, Link, Pickering, Walder.

Joint Development Control Manager; Strategic Applications Team Leader; Head of Planning & Development; Interim Head of Development Management and Strategic Sites; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

59 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he lived near the application site. He would speak as a Ward Member on the application. He also made a Voluntary Announcement as a Member of KCC, who had commented on a number of items on the agenda.	62 - 19/00579/AS 62 - 17/01868/AS 19/00340/AS 19/00579/AS 19/00516/AS
Mrs Blanford	Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England,	62 - 17/01868/AS 19/00340/AS
	And	
	Stated that as part of her roles within both organisations she was sometimes involved in discussing planning applications, most of which were decided under delegated powers. However, there were two applications to be	

	decided at this Committee where she had in the past been involved in discussions with the Weald of Kent Protection Society and the Campaign to Protect Rural England. She may join in the Planning Committee discussions, but would refrain from voting on the two items.	62 - 17/01868/AS 19/00340/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society and the River Stour Internal River Drainage Board.	62 - 17/01868/AS 19/00340/AS 19/00579/AS
Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	62 - 17/01868/AS 19/00340/AS
Clokier	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	62 - 17/01868/AS 19/00340/AS
Harman	Made a Voluntary Announcement as she was a Member of the Campaign to Protect Rural England	
Ovenden	Made a Voluntary Announcement as he was a Member of the River Stour Internal Drainage Board.	62 - 19/00579/AS
Smith	Made a Voluntary Announcement as he was a Member of the River Stour Internal Drainage Board.	62 - 19/00579/AS

60 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 5th June 2019 be approved and confirmed as a correct record.

61 Requests for Deferral/Withdrawal

The Strategic Applications Team Leader advised Members that the applicant had requested application 19/00516/AS be deferred for the time being. Analysis was currently being undertaken by KCC to assess the provision of extra care accommodation in the Borough for older persons, which may necessitate a change in the application to cater for more general needs.

62 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	17/01868/AS		
Location	Land rear of St Marys Church between Duxbury and Hill Side, Church Hill, High Halden		
Grid Reference	0276/7222		
Parish Council	High Halden		
Ward	Weald Central		
Application Description	Outline application for the residential development of up to 26 dwellings. All matters reserved except for access into the site from Church Hill.		
Applicant	Nicholas Parkin, Hamlin Estates		
Agent	Catherine Rickett, Rickett Architects Ltd, 168 Parade, Leamington Spa		
Site Area	1.56ha		
(a) <u>1st Consultation</u> 17/200R/6C/4S HH Parochial Church R <u>2nd Consultation</u> 215/111R/1C/3S HH Parochial Church R	(b) <u>1st Consultation</u> R <u>2nd Consultation</u> R	(c) <u>1st Consultation</u> EA - SW X HE X KWT R KCC Bio R KCC H&T R KCC (Econ) X KCC PROW R KCC Her X EP X PO R RA X <u>2nd Consultation</u> HE X WKPS R KCC Bio X KCC H&T X CS R	

The Joint Development Control Manager drew Members' attention to the Update Report. There were amendments to the section on Planning History and Paragraph 35. Table 1 required an additional Head of Term and two additional policies were to be inserted into the deemed reason for refusal. Additional representations had also been received.

In accordance with Procedure Rule 9.3, Mr Serginson, a local resident, spoke in objection to the application. He was speaking on behalf of the Churchill Action Group and some 200 objectors who had registered their objection in principle to the development of this green land. A reduction in the number of units suggested did not in any way change the grounds for objection. There were no grounds for supporting the proposals. There were an unprecedented 200 objections from the village community. The village confines plan had now been adopted, and did not include this site. The Parish Council had maintained strong objections throughout the process, as had the Parochial Church Council, based on the impact on the Grade I listed church building. The Officer's report also recommended refusal and the adopted Local Plan allocated sufficient local sites to meet the housing need. The Inspector had stated that sufficient alternative sites existed to meet the demand for all forms of residential development in the Borough. This site had not been considered by Officers as suitable for inclusion as a potential allocation site, and there was no question of windfall arguments on the land because there were other sites available. Developments were either consented or going ahead in various other sites in the village, so the village had accepted that development would take place in more appropriate locations. The developers had suggested that community benefits should outweigh objections to the proposal, but no weight should be attached to these benefits. The proposed changes to parking arrangements had not been requested by any party, and no approach had been made to the developers to include such changes. A new village hall was not required as there were sufficient community buildings already available. The proposed highway changes to Church Hill were only required as a result of this development. Mr Serginson urged Members to reject this application, support Officers at the forthcoming Enquiry, and safeguard this corner of the village.

In accordance with Procedure Rule 9.3, Mr Robinson, on behalf of High Halden Parish Council, spoke in objection to the application. He said the Parish Council was not averse to supporting developments within its confines, as was evidenced by the developments already approved which would result in an approximate 20% increase in housing numbers in the village. A detailed response had previously been provided, strongly objecting to the application. This appeared on the Council's planning portal in February 2018 and April 2019, when the same comments were re-stated. The application was detrimental to the setting of the Conservation Area and Grade I listed church, which was of great historical significance, as well as being the oldest building in the village. English Heritage and the Campaign to Protect Rural England's relevant recent letters supported this view. The proposal would result in an unacceptable increase in traffic in the vicinity of the school and did not adequately address the problems that would arise. There would be a significant adverse impact on the ecology of the site. There were numerous inaccuracies in the planning statement and the Parish Council disputed a number of assertions contained therein. In objecting, the Parish Council was representing the views of residents, the majority of whom were opposed to the application.

Both Ward Members attended and spoke in objection to the application.

Resolved:

If the Local Planning Authority had been able to determine the application, the Committee would have refused to grant permission on the following grounds:

- (1) The proposal would be contrary to Policies SP1, SP2, SP6, HOU1, HOU5, HOU6, HOU14, ENV3a, ENV5, ENV13, ENV14, IMP1, COM1, COM2, COM3 and COM4 of the Ashford Local Plan 2030 and the National Planning Policy Framework and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:-
 - (a) The proposed development would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and the Biddenden and High Halden Farmlands Landscape Character Area (LCA), impacting upon its rural character that forms an important component of the setting of High Halden and views out into the countryside from the conservation area. This is due both to the prominence of the site in the wider landscape, due to its elevated position, and its undeveloped state. The erection of dwellings and infrastructure on the site would unacceptably urbanise and domesticate this important undeveloped area to the detriment of the visual amenity of the area. This harm is further exacerbated by the proposed traffic calming measures that are required to Church Hill to enable access into the site. This would urbanise this historic rural lane. The proposal would also be highly visible from the public right of way to the north thereby exacerbating the visual harm. The proposal represents unsustainable development which would detract from the character and appearance of the countryside and visual amenity of the area.
 - (b) The proposed development would introduce an intensive backland form of development which would be inconsistent with local character and built form in this southern approach into the village which is characterised by a low density of development with dwellings set on large plots and just one plot deep and fronting Church Hill. This would be at odds with the prevailing form and grain of this part of the village and would further exacerbate the visual harm identified in reason a) above.
 - (c) The proposed development would have less than substantial harm on the significance of the heritage assets, namely the conservation area of the Grade I listed church and Grade II listed property known as Duxbury. The proposal lies on land forming an important part of the setting of both. This is due to the loss of this undeveloped rural

land and its urbanisation and domestication as a result of the proposed development. It thus represents an unsustainable development. The public benefit of providing up to 26 houses does not outweigh the less than substantial harm.

- (d) The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Ashford Local Plan 2030 policies IMP1, COM1, COM2, COM3 & COM4, Public Green Spaces and Water Environment SPD 2012, Affordable Housing SPD 2009 and the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

- Heads of Terms as set out in Table 1 (Planning Obligation)

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p><u>Affordable Housing</u> Provide not less than 40% of the units as affordable housing, comprising 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms</p>	40%	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.

	specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.		
2.	<p><u>Accessible Housing</u></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	Provide on-site 20% of all units.	Prior to first occupation of any dwelling to be built in accordance with the standard.
3.	<p>Self & Custom Built Development</p> <p>No less than 5% of the dwellings to be available for custom or self build.</p> <p>In accordance with policy HOU6</p>	5%	None
4.	<p><u>Children's and Young People's Play</u></p> <p>Contribution towards the modular play system for the children's play area at Hopes Grove. TBC</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before completion of 75% of the dwellings
5.	<p><u>Informal/Natural Space</u></p> <p>Contribution towards 6 x picnic benches and purchase of 1.8 acres of land off Church Hill near to St Mary's Church and</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Before completion of 75% of the dwellings

	Churchfield House for retention and maintenance as a wildflower meadow. TBC		
6.	<u>Outdoor Sports</u> Contribution towards provision of a MUGA on the sports field at Hopes Grove, outdoor gym for Hookstead Green and drainage works to the sports fields at Hopes Grove. TBC	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	Before completion of 75% of the dwellings
7.	<u>Strategic Parks</u> Contribution to project TBC at Conningbrook	£146 per dwelling for capital costs £47 per dwelling for maintenance	Before completion of 75% of the dwellings
8.	<u>Allotments</u> Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments and start up costs. TBC	£258 per dwelling for capital costs £66 per dwelling for future maintenance	Before completion of 75% of the dwellings
9.	<u>Cemeteries</u> Contribution towards the upkeep of the graveyard at St Mary's Church.	£288 per dwelling for capital costs £1766 per dwelling for future maintenance	Before completion of 75% of the dwellings
10.	<u>Primary Schools</u> Project: Towards the expansion of Woodchurch Primary School	£3,324 per applicable house £831 per applicable flat	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings

11.	<u>Secondary Schools</u> Project:- Towards Homewood Phase 2 expansion	£ 4115.00 per applicable house £1,029.00 per applicable flat	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
12.	<u>Libraries</u> Towards additional bookstock for the mobile library service attending in High Halden	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
13.	<u>Health Care</u> Project to be confirmed.	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
14.	<u>Monitoring Fee</u> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<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>			

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

Application Number	19/00340/AS
Location	Land south and east of, Tilden Gill Road, Tenterden, Kent
Grid Reference	89372/33117
Parish Council	Tenterden
Ward	Tenterden South
Application Description	Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to extant outline permission ref 14/01420/AS for the erection of up to 100 dwellings, parking, landscaping, open space and associated works (revision to planning application 18/00448/AS)
Applicant	Mr M Besant, Redrow Homes, Prince Regent House, Quayside, Chatham, Kent, ME4 4QZ

Agent	Mr D Leadon, Urbanissta Ltd, First Floor, East Side, London, N1C 4AX		
Site Area	5.6 ha		
(a) 273/5R	(b) R	(c) KF&R – X, WKPS – R, ABC OS – X, High Weald AONB – X, KHS – X, KCC SUDs – X, Police – X, NE – X, EA – X, ABC Housing – X, AAG – X, KCC PROW – X, KCC Arch – X, ABC Refuse – X, SW – X, KCC Biodiversity – X.	

The Strategic Applications Team Leader drew Members' attention to the Update Report. There was a statement from the applicant's agent, which he summarised, and several ecology updates. Recommendation A had also been deleted.

In accordance with Procedure Rule 9.3, Mr Bradley, a local resident, spoke in objection to the application. He was speaking on behalf of the Shrubcote and Tilden Gill Residents' Group, who objected to the current application due to the scale and appearance of the development, specifically with regard to the three blocks of flats. The heights of the proposed blocks were out of keeping with the surrounding area, and there were no buildings of this size within the town. The illustrative layout for the outline planning application was not relevant. The Planning Inspector had been clear that his concern was with determining the principle of development for the quantity of houses proposed. The proposed change in height of the storeys represented a reduction of less than 5 feet, which caused two problems. One was the reduction in amenity caused for both existing and future residents, through increased noise, increased pollution, loss of privacy and light, the degradation of mobile and satellite signals and the effect of a very large urban structure in a quiet rural environment. The second problem was that the reduction did not represent a significant reduction in scale. This was relevant in light of application 18/00448, currently awaiting appeal. It was unlikely that the developer would withdraw their appeal if the current application were allowed. By permitting this application the Council would effectively be agreeing to a scale of three storeys. Allowing the development of blocks this size set a bad precedent for future development in both Tenterden and the surrounding area, and Mr Bradley asked Members to defer or reject this application.

The Ward Member was unable to attend, but a statement was read out on his behalf in support of the application.

Resolved:

Permit

Subject to

(A) the following Conditions and Notes (with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

Conditions:

Provision of a resident's information pack (refers to landscaped areas, Management Company, parking, refuse storage etc.)

Rainwater butts

Removal of PD rights

Parking

Soft landscaping implementation plan/landscaping maintenance schedule (in consultation with the High Weald AONB)

Landscaping details

For the flats details of signage/lighting/secure access for bicycle stores etc.

Use of dwellings as C3 dwellings only

External fine details elevations

Suds (incl management)

Detail for the headwalls and culverts within the main SUDS pond

Ecology

Lighting

Diversion of the PROW

Provision of new parking spaces and new access in accordance with plans

Details of bollards for emergency access and footpaths

Electric vehicle charging points

Notes to Applicant**1. Working with the Applicant**

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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/approved 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. Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330303 0119) or www.southernwater.co.uk".

3. PROW

Any proposed work on PROW must be approved and authorised by Kent County Council's PROW and Access Service prior to works taking place.

No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

No hedging or shrubs should be planted within 1.5 metre of the edge of the Public Right of Way.

Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Application Number	19/00579/AS		
Location	Land on the North Side of Highfield Lane, Sevington, Kent		
Grid Reference	04000 / 41000		
Parish Council	Mersham with Sevington		
Ward	Highfield		
Application Description	Approval of the appearance, landscaping, layout and scale of the 'Phase 1A works' being the works comprising the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space)		
Applicant	Aviva Life and Pensions UK Ltd		
Agent	Montagu Evans LLP 5 Bolton Street London W1J 8BA		
Site Area	47.75ha		
(a) 380 / 1R	(b) Sevington/Mersham Parish Council - R	(c)	KH&T – X; KCC PROW – X, KCC ECO – X; KCC SuDS – X; HE – X; CTRL - ; NR - ; RAM - ; EA – X; NE – X; KWT - ; UKPN - ; SGN - ; RSIDB – X; PO (Drainage) - ;
(a) 1R	(b) NA	(c)	KH&T – X; KCC PROW – X, KCC ECO – X; KCC SuDS – ; HE X ; EA –RSIDB X ;

The Strategic Applications Team Leader drew Members' attention to the Update Report. There was one typo and various updates on conditions. There were further responses to consultation on amended plans and conditions to be attached to approval of reserved matters.

In accordance with Procedure Rule 9.3, Ms Swandale, a local resident, spoke in objection to the application. This site was beside Sevington Church alongside the

J10a works. Plot 1 was twice the size of the whole Barrey Road development and the buildings could be half as high again. It was a significant development. The applicant also owned the field next to this development, which the developer's plans referred to as the next stage of development. Ms Swandale was speaking on behalf of Village Alliance, who fully supported the Parish Council's objection to the applicant using the area outside the official red line boundary and redrawing the boundary to suit their future plans. The site was nearly 45ha and there was plenty of room for more environmental mitigation to take place within the official plot. The applicant accepted responsibility for trees for a 15-year period, after which they would be subject to a TPO. This arrangement had been put in place by the Council to prevent any uprooting of the trees in future. The trees would only reach the ridge height of the main warehouse on plot 1 after 15 years, so would not provide any screening until at least 2034. Ms Swandale drew Members' attention to the diagram which showed a 5 to 10 year scenario, which she considered was a more realistic view. She asked Members to consider the church in relation to the trees, vehicles and plot sizes. She clarified that there was no longer a community building associated with the church. Some of the statements were out of date and Kingsford Street and Highfield Lane no longer had access. There were non-vehicle movements of traffic using Highfield Lane and Ms Swandale questioned where they would go when the end of Highfield Lane was moved to build plot 2. She asked whether each of those plots would be a separate application.

In accordance with Procedure Rule 9.3, Ms Oakley-Hills, on behalf of Mersham with Sevington Parish Council, spoke in objection to the application. She drew Members attention to the issues arising from the proposed road development within U19 Stour Park and, in particular, to Cheeseman's Green Lane and Highfield Lane. The Parish Council strongly objected to the application with regard to Highfield Lane, which had always been regarded as the boundary. The drawings clearly showed work on the other side of the path and this should not be allowed, even if it was for landscaping. Highfield Lane was an ancient track way and connected the villages. It harboured a multitude of wildlife. It had also been referred to as a bridleway and was considered a valued community asset by residents of Mersham and Sevington. Cheeseman's Green Lane was a narrow rural lane leading from Sevington Bridge to Kingsnorth. It had seen a vast increase in traffic over the years and, with another 350 dwellings due at Bridgefield, it had become a rat run for traffic seeking to avoid delays on the 2070. Sevington end of the lane had 8 residential properties directly opening out onto the lane. There had been numerous accidents with vehicles run off the road and into the ditches, including several HGVs, which had caused disruption to local residents. Two small river bridges had been damaged by vehicles, and it was doubtful whether they were constructed to take the volume and weight of current traffic. Sevington railway bridge had suffered visible damage to the brickwork as a result of HGVs getting stuck on the narrow stretch of road. The residents of this area were alarmed at the proposals. When they had voiced their objections in 2014 they were assured that there would be acoustic bunding and mature trees between the existing buildings and commercial development, and that Highfield Lane would be permanently closed off to traffic. Thus there should be no additional traffic to Cheeseman's Green Lane and the nearby area.

The Ward Member attended and spoke on this application.

Resolved:**Approve detail****Subject to the following Conditions and Notes:**

(with delegated authority to either the Head of Planning and Development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by suitably competent person, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

2. The visibility splays identified on drawing numbers 08-125 / 492 Revision P1 and 08-125 / 493 Revision P3 shall be provided prior to the estate roads hereby permitted being brought into use. The access and visibility splays shall be retained and maintained thereafter and the area within the visibility splay shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

3. The double yellow lines shown on drawing numbers 08-125/475 Revision P2, 08-125/476 Revision P2, 08-125/477 Revision P2, 08-125/478 Revision P2 and 08-125/479 Revision P2 shall be provided prior to the estate roads hereby permitted being brought into use. The double yellow lines shall be retained and maintained thereafter.

Reason: In the interest of highway safety.

4. Within 2 months of the date of this approval, the applicant shall provide written evidence establishing that the existing water network remains capable of accommodating the onward flows from the site as per the submitted drainage strategy. In the event that this is not shown to be the case, an updated drainage strategy shall be submitted to and approved by the local planning authority within 3 months of the date of this approval. Any approved updated drainage strategy shall thereafter be implemented in accordance with a delivery programme that shall have been submitted to and approved in writing by the local planning authority.

Reason: In order to ensure that the drainage strategy for the site is further clarified and is delivered in an appropriate manner.

5. Prior to any works taking place to connect the existing southern end of Highfield Lane ('A') with the junction of that Lane with the new internal estate road ('B') hereby approved, a traffic reduction / traffic calming scheme for the carriageway between 'A' and 'B' shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a delivery timetable. Thereafter, the works comprising the scheme shall be carried out in accordance with the agreed timetable.

Reason: To ensure that connectivity of the development with the surrounding local road network is appropriate.

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

- was provided with pre-application advice,
- 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.

2. The applicants attention is drawn to the following comments received from KCC Ecology:

Landscape plans demonstrate that currently habitat connectivity throughout the site has been maintained - however no information has been provided on the proposed access into the plots. The detailed designs for the plots have not been submitted and we are concerned that in addition to creating the access into the plots there is a risk that each plot will encroach into the wider landscaping area and reduce the amount of greenspace throughout the site

There is a need to ensure that the access points into the site is minimal and (other than to create access into the site) there is a need to ensure that at the detailed design stage ecological functionality of the submitted landscaping plans can still be implemented.

The applicant and/or the developer for each individual plot is advised to carefully consider this matter and application(s) submitted pursuant to condition 1(b) of outline planning permission 14/00906/AS need to demonstrate that the proposed development will not unduly compromise/adversely impact upon the ecological/biodiversity enhancements secured through this reserved matters application.

3. The Local Planning Authority invites the applicant to actively assist Ashford Borough Council, Kent County Council and Highways England to expand the existing monitoring of air quality to include potential receptors of traffic pollution near to the application site that are currently without monitoring in place, such as at Hatch Park SSSI. The applicant is invited to discuss this further with Mr Trevor Ford (Environmental Protection & Licensing Team Leader) at Ashford Borough Council (Tel: 01233 – 330397).
4. KCC Highways and Transportation advise that the existing carriageway of Highfield Lane will need to be stopped up in due course. The applicant will need to apply to Department for Transport for a stopping up order through the Town and Country Planning Act 1990. The applicant is reminded of the provisions of the s.106 agreement relating to these matters.
5. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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.

Application Number	19/00356/AS	
Location	Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR	
Grid Reference	96829/46913	
Parish Council	Westwell	
Ward	Downs West	
Application Description	Removal of condition 31 on planning permission 16/01387/AS restricting occupation	
Applicant	Mr Sykes of Vatre Terracotta Limited, Dencora Way, Leacon Road, Ashford, Kent, TN23 4FH	
Agent	Mrs Locking of NTR Planning, Clareville House, 26-27 Oxendon Street, London, SW1Y 4EL	
Site Area	2.92 ha	
(a) 7/1R	(b) S	(c) -

The Joint Development Control Manager drew Members' attention to the Update Report. There was a point of clarification with reference to the revised parking layout plan.

In accordance with Procedure Rule 9.3, Ms Locking, the agent, spoke in support of the application. The applicant's business was currently located in Leacon Road. They had been looking for more suitable premises to allow for business growth, and had identified that the Oakover site was suitable and available. It was important for the company to stay in Ashford. Planning permission had been granted in June

2018 for the relocation of the business. However, Condition 31 had proved to be a constraint in obtaining funding for the development. This was the reason that the application was back in front of Planning Committee. There was also a timing issue. Unless work commenced in Spring 2020, the single lease break would be missed by the applicant which would threaten the development. Therefore it was vital to secure this application to allow the discharge of the relevant pre-commencement conditions in time for a Spring 2020 start. Ms Locking confirmed that the applicant was willing to work towards the higher BREEAM standard. Ms Locking asked Members to concur with the Officer's advice and approve the application.

In accordance with Procedure Rule 9.3, Ms Drury, on behalf of Westwell Parish Council, spoke in support of the application. She said this was a well-designed and contained operation and a growing business which employed people in the Borough. The Parish Council was supportive of the application. However, this was an exceptional planning situation. The site was in the open countryside, in the setting of the AONB and was not an employment zone in the context of the Local Plan. This exceptional situation should be reflected in some way in the permission. The Parish Council understood that Condition 31 was impractical, ineffective and should be lifted, however it requested that some reference in the decision be made to the scale of the operation. It should be enough to allow the applicant to expand but should require a further application if another occupant of the site in the future wanted to operate either a multiple-tenant B8 business park or another single operator wanted to increase the number and turnover of vehicles significantly above that referenced in the traffic assessment for this application. This stretch of the A20 was highly suitable for B8 purposes but it was also rural and in the setting of the AONB which was why this was an exceptional location that needed care and attention now and in the future. It was a sensitive site due to its location in the countryside and also in terms of the neighbours. If any other occupant were to use it, their operation would need to be suitable to the site's circumstances. Hours of operation, lighting, landscaping and neighbour protection were already conditioned. A condition on the number of vehicles to reflect the transport assessment and provide sensible flexibility for the applicant's business to grow further would be a helpful reassurance to the parish.

Resolved:

- (A) Subject to delegated authority to either the Head of Planning and Development or the Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as s/he sees fit.**
- (B) Permit**

Subject to the following conditions and informative notes:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision on planning approval 16/01387/AS (dated 05/06/2018).

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. Written details and samples (including colour) of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings hereby permitted and the development shall only be carried out using the approved external materials.

Reason: In the interests of visual amenity.

5. The premises/site shall be used for B8 (storage and distribution) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

6. No new floor space shall be created inside the warehouse hereby approved without the prior written consent of the local planning authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the amenity of the locality.

7. The office on approved Warehouse & Office - Ground & First Floor Plans Drawing No. 15.17.010 Rev D shall not be occupied at any time other than for purposes ancillary to the B8 (storage and distribution) use hereby approved.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

8. The site shall not be used at any time for the sale or display of goods stored and distributed on site.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

9. Industrial processing shall only take place in the building identified on the approved plans.

Reason: In order to preserve the visual character of the property and the amenity of the surrounding area.

10. No external storage of materials shall take place outside the area specified for that use on approved Block Plan Drawing No. 15.17.003 Rev I and Proposed Site Plan Drawing No. 15.17.005 Rev C. The height of any storage within that area shall not exceed 5 metres above ground level.

Reason: To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

11. All forklifts operated on site shall be 'low-noise' electric models only and not be fitted with tonal reversing 'bleepers' but rather alternative broadband alert 'bleepers' or where permissible non-auditory safe systems of work, shall be used.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside 07:00-19:00 Mondays to Fridays and 07:00-12:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the residential amenity.

13. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To avoid pollution of the surrounding area.

14. 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 and foul water based on the principles set out in the approved Flood Risk Assessment by GTA Civils Ltd Ref: 3540/2.3F dated July 2016 and Drainage Strategy Drawing No. 6240/100 Rev A and in

line with the Council's Sustainable Drainage SPD 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) 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) enhance the landscape,
- (vi) improve public amenities,
- (vii) 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.

The submitted system shall include:

- A system that comprises 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;
- a plan indicating the routes flood waters would take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance), including appropriate mitigation measures and emergency response procedures;
- details of the implementation, maintenance and management of the approved system, including:
 - a timetable for its implementation; and,
 - 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.

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be 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 Local Plan policy ENV9.

15. Visibility splays of 200m in the southerly direction and 160m in the northerly direction, within which there shall be no obstruction in excess of 0.9 metres in height above the carriageway edge, shall be provided at the access before the development commences and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

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

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.

17. 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.

18. The vehicle parking/turning and loading/unloading areas as shown on approved Block Plan Drawing No. 15.17.003 Rev I, Proposed Site Plan Drawing No. 15.17.005 Rev C, Proposed Good Handling Plan Drawing No. 15.17.006 Rev B and Loading ramp and stage details Drawing No. 15.17.020 shall be provided prior to the development to which they relate being occupied and the facilities shall be retained for ancillary parking and loading/unloading use and access thereto shall not be precluded.

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

19. The development shall be carried out in accordance with the recommendations in the approved Preliminary Ecological Appraisal by KB Ecology Ref No 2015/08/04 dated 08th September 2015 and any license 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.

20. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity on the site, including the provision of bat and bird boxes, sparrow terraces and amphibian hibernacula adjacent to the new pond, the use of native species in

landscaping and the incorporation of features beneficial to wildlife such as ponds and wildflower planning, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details, with any amendments agreed in writing.

Reason: In the interests of enhancing the biodiversity of the site.

21. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- purpose and conservation objectives of the landscaping and ecological design, including the creation of the reptile receptor area;
 - timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - description and evaluation of features to be managed;
 - aims and objectives of management, including the long-term management of the of the reptile receptor area;
 - appropriate management prescriptions for achieving aims and objectives;
 - preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - details of the body(/ies) or organisation(s) responsible for implementation of the LEMP; and,
 - ongoing monitoring and remedial measures.

Reason: In the interests of maintaining the biodiversity of the site enhanced as part of the development.

22. The landscaping scheme shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 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.

23. The development shall be carried out in accordance with the details of levels, earth bunds and fencing shown on approved Block Plan Drawing No. 15.17.003 Rev I, Proposed Site Plan Drawing No. 15.17.005 Rev C, Site Section B-B Drawing No. 15.17.004 Rev B, Site Section - A/A Drawing No. 15.17.015 Rev A, Landscape Proposals Drawing No. MHS157/16-G01 Rev C and Landscape Sections Drawing No. MHS157/16-C61 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

24. The development shall be carried out in accordance with the hard and soft landscaping shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

25. No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include:-

(i) a layout plan with beam orientation and a schedule of lighting equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

(ii) the use of time switches and PIR to switch off lighting outside the permitted operating hours set out in condition 11.

(iii) the approach to security lighting/task lighting outside the permitted operating hours set out in condition 11.

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

26. The development shall be carried out in accordance with the recommendations in the Noise Impact Assessment by MRL Acoustics Report No. MRL/100/1026.2v1 dated July 2017 unless otherwise agreed in writing.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

27. Prior to the commencement of the development hereby approved, details of an acoustic barrier to be erected along the southern boundary of the site, including details of its ongoing maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be erected in accordance with the approved details before the first use of the site and shall be subsequently permanently retained and maintained in an effective condition.

Reason: In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

28. 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:

- 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 Pre-development Tree Survey and Report and accompanying Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
- No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- 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;
- Ground levels within the spread of the branches or Root Protection Areas (whichever 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.
- 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.

29. Any existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any existing 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 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 with the Authority.

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

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

specification which has 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.

31. a) The building shall be built to at least a minimum BREEAM 'Very Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building (Wat1, 3 credits).

(b) Within 6 months of the completion of the building, hereby approved, a report based on BREEAM standards shall be submitted to and approved in writing by the Local Planning Authority confirming the minimum BREEAM standard mentioned in (a) has been achieved.

Reason: In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

32. The building hereby approved shall not be subdivided in any way to facilitate the use of the site by another business or persons.

Reason: To prevent the intensification of the use of the site by another to the detriment of the amenity of the locality.

33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes H and J; of Part 7 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

Working with the Applicant

1. 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 creative 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.
- 2. It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, 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.
- 3. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 06 October 2016, KCC Flood and Water Management's letter dated 4 October 2016, Southern Water's letter dated 29/09/16 and the Rover Stour Internal Drainage Board's email dated 04 October 2016 under planning approval 1601387/AS.

Application Number	19/00473/AS	
Location	Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR	
Grid Reference	588343 132232	
Town Council	Tenterden	
Ward	Tenterden	
Application Description	Removal of restrictive time condition on planning permission 13/00900/AS to allow 24 hours per day 7 days per week operation for the gate at position A located to the south of Morghew Park House.	
Applicant	Mr Wilkins, Morghew Park House Smallhythe Road Tenterden, Kent, TN30 7LR	
Agent	-	
Site Area	N/A	
(a) 7/1R	(b) Parish Council - R	(c) PROW-S RAM - R

The Joint Development Control Manager drew Members' attention to the Update Report. A replacement condition was proposed in the event that gate B was reinstated.

The Ward Member attended and spoke in support of the application.

Resolved**Permit****Subject to the following Conditions and Notes:**

(with delegated authority to either the Head of Planning & development or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)

1. The vehicular gates shall be electronically operated at all times via an in-ground electrical loop system and push button system to allow access by all classes of lawful public user of the highway.

Reason: In the interest of highways accessibility

2. In the event that gate B is reinstated under planning permission 13/00900/AS then both gates A & B shall be kept open at all times between the hours of 0700 and 1730 on any day.

Reason: In the interests of ensuring the free flow of traffic to ensure no harm to the residential amenity of occupants or the running of businesses associated with the estate.

Note to Applicant

1. Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the application was acceptable as submitted and no further assistance was required.

- The application was dealt with/approved 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.

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

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