

## Ashford Borough Council: Planning Committee

Minutes of a Virtual Meeting of the Planning Committee held on Microsoft Teams on 3<sup>rd</sup> June 2020.

### Present:

Cllr. Burgess (Chairman);

Cllr. Blanford (Vice-Chairman);

Cllrs. Anckorn, Chilton, Clarkson (ex officio, non-voting), Clokie, Forest, Harman, B. Heyes, Howard, Howard-Smith, Krause, Ledger, Ovenden, Shorter, Spain, Sparks, Wright.

In accordance with Procedure Rule 9.3, Cllrs. Ledger and Anckorn attended as Substitute Members for Cllrs. Smith and Ward respectively.

### Apologies:

Cllrs. Smith, Ward.

### Also in Attendance:

Cllrs. Mrs Bell, Dehnel, Farrell.

### In Attendance:

Planning Officer; Development Management Manager; Team Leader - Planning Applications; Senior Planning Officer; Strategic Applications Team Leader; Spatial Planning Manager; Interim Head of Planning & Development; Environmental Protection & Licensing Team Leader; Principal Solicitor (Strategic Development); Member Services Manager (Operational); Civic Engagement Officer; Member Services and Ombudsman Complaints Officer.

## 418 Declarations of Interest

Councillor	Interest	Minute No.
Blanford	Made a Voluntary Announcement that she was a Member of the Campaign to Protect Rural England and the Weald of Kent Protection Society.	
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Clarkson	Made a Voluntary Announcement that he was a Member of the Campaign to Protect Rural England.	

	Made a Voluntary Announcement that the applicant was a local builder who had carried out work for him in the past, although he did not socialise with him, and considered that he was still able to speak as Ward Member on this application.	421 – 19/01768/AS
Clokie	Declared that the application was made by teams included under his Portfolio. He would leave the meeting for the entirety of this application, which he did after making brief remarks.  Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	421 – 20/00353/AS
Farrell	Made a Voluntary Announcement that he was a Member of Kent County Council.	421 – 20/00327/AS 19/01768/AS
B. Heyes	Declared an Other Significant Interest as he owned a property near the application site. He would speak on the application and leave the meeting for the discussion and vote, which he did.	421 – 20/00353/AS
Ovenden	Declared an Other Significant Interest as he owned a property adjacent to the application site. He would not take part in the debate or the vote. In fact he left the meeting for the entirety of this application.	421 – 20/00353/AS

## 419 Public Participation

The Member Services Manager (Operational) drew attention to the Public Participation note contained within the agenda. He advised that in addition to the ability for the public speakers to submit their speech to be read out to the Committee, additional work had been undertaken to allow the public speakers to dial into the meeting to address the Committee themselves. Two of the five speakers that evening had chosen to do this, but should there be technical issues their speeches would be read out by a Council Officer.

## **420 Requests for Deferral/Withdrawal**

The Strategic Applications Team Leader advised Members that application 20/00473/AS had been withdrawn formally by the applicant, and this item therefore would fall from the agenda for this meeting.

[Note: Declarations of Interest for this application have therefore not been minuted.]

## **421 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 Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

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<b>Application Number</b>	20/00327/AS	
<b>Location</b>	Land SE of Plum Trees, Bowerland Lane, Chilham	
<b>Parish Council</b>	Chilham	
<b>Ward</b>	Downs North	
<b>Application Description</b>	Reserved matters application for the approval of details of the layout, scale, landscaping and appearance as set out by condition 1 and 9 on planning application 18/01569/AS (construction of two detached dwellings with associated access)	
<b>Applicant</b>	Mr and Mrs Russell	
<b>Agent</b>	DHA Planning	
<b>Site Area</b>	0.28 ha	
(a) 35/5S&7R	(b) PC +	(c) KCC Bio X KCC PROWX KCC H&T X

The Team Leader - Planning Applications gave a presentation, and advised Members that an additional condition was required to prevent future enclosure of any car ports to ensure that sufficient car parking was retained at all times.

The Ward Member was in attendance. He asked a number of questions and spoke in objection to the application.

In accordance with Procedure Rule 9.3, Mr Spencer-Tanner, a local resident, had registered to speak in objection to the application. He dialled into the meeting to address the Committee and his speech is attached to these Minutes at Appendix A.

**Resolved:**

**Approve details**

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

1. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is

commenced and the development shall be carried out using the approved external materials.

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

2. The car barn/car ports hereby permitted shall remain open to the front elevation and no means of enclosure or doors shall be erected / inserted without the prior approval of the local planning authority in writing.

**Reason:** In the interest of visual amenity and highway safety

### Notes

This approval discharges condition 9 attached to outline planning permission reference 18/01569/AS insofar as details of the proposed development are required to be submitted to and approved by the Local Planning Authority. Any variation to the approved details will, however, need to be submitted for further approval before the relevant work is carried out.

The applicant is reminded of the outstanding requirement for details to be submitted and approved under condition 5 (Detailed design of upgrade of track); 7 (CMP); 11 (Biodiversity enhancement); 12 (External lighting); 13 (Drainage); 14 (Foul water) and 17 (Boundary treatment) of outline planning permission reference 18/01569/AS, as well as the continuing obligations imposed by some conditions as the development progresses and is completed.

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**

### **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 applicant/agent was updated of any issues after the initial site visit,
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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<b>Application Number</b>	19/01768/AS	
<b>Location</b>	Violet Cottage, Stalisfield Church Road, Charing, Ashford, TN27 0HE	
<b>Grid Reference</b>	595573 / 150736	
<b>Parish Council</b>	Charing	
<b>Ward</b>	Charing Ward	
<b>Application Description</b>	Extension and conversion of garage/outbuilding into residential dwelling and erection of garage and driveway	
<b>Applicant</b>	Mr B Tate	
<b>Agent</b>	Mr D Harman, Building Drawings	
<b>Site Area</b>	0.12 hectares	
(a) 2/1R	(b) Parish Council S	(c) KCC H&T X

The Planning Officer gave a presentation.

In accordance with Procedure Rule 9.3, Mr Gates, a local resident, had registered to speak in objection to the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix B.

**Resolved:**

**Refuse on the following grounds:**

The proposal is contrary to Policies SP1, SP2, SP6, HOU5, HOU10 and ENV3b of the Ashford Local Plan to 2030 and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:

1. The proposed conversion of this building, from ancillary/incidental accommodation to an independent dwelling, which lies outside of the built

confines of Charing or any other identified town or village within the Ashford Local Plan 2030, would give rise to an unsustainable new home in the countryside, without any overriding justification provided to support this form of development. The development fails to meet the core principles of the Ashford Local Plan 2030 and the National Planning Policy Framework 2019 which seeks to avoid isolated homes in the countryside and promote sustainable development in rural areas.

2. The proposed development by virtue of its design, scale, bulk and massing would create a visually intrusive form of development which fails to satisfactorily integrate with the surrounding countryside in a sensitive manner. The proposal would not result in an enhancement to its immediate setting but appear out of character in this sensitive countryside location, which is nationally designated as AONB, and detrimental to the visual amenity of the rural environment and of the wider AONB landscape.

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

In this instance:

- The 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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<b>Application Number</b>	20/00200/AS	
<b>Location</b>	Lantarna, The Pinnock, Pluckley	
<b>Parish Council</b>	Pluckley	
<b>Ward</b>	Upper Weald Ward	
<b>Application Description</b>	Variation of condition 5 of planning permission 19/00801/AS (Erection of a 2-storey detached dwelling (retrospective)) to retain existing Yew tree hedge behind dwarf wall along boundary with street and its future maintenance at a height of no lower than 1.5m	
<b>Applicant</b>	Mr D Sullivan	
<b>Agent</b>	Westleigh Design	
<b>Site Area</b>	0.05ha	
(a) 7/3R/1S	(b) PC - R	(c) -

The Development Management Manager gave a presentation.

The Ward Member was in attendance and spoke in objection to the application.

In accordance with Procedure Rule 9.3, Mr Newman, on behalf of Pluckley Parish Council, had registered to speak in objection to the application. He was unable to dial into the meeting to address the Committee, so his speech was read out by the Civic Engagement Officer. His speech is attached to these Minutes at Appendix C.

**Resolved:**

**Refuse on the following grounds:**

The proposal is contrary to Policy ENV3 of the Ashford Local Plan to 2030 and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reason:

1. The retention of the existing yew tree hedge in breach of planning condition 05 of 19/00801/AS does not form a timely and effective form of screening to the development resulting in visual harm to the amenity of the area.



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## Note to Applicant

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

In this instance:

- The application was 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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<b>Application Number</b>	20/00353/AS
<b>Location</b>	Carlton Business Park, Carlton Road, Ashford, Kent
<b>Grid Reference</b>	00118/42821
<b>Parish Council</b>	None
<b>Ward</b>	Victoria Ward
<b>Application Description</b>	Variation of condition 33 of planning permission 18/01843/AS.  Condition 33 existing:  There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive,

depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Friday and on Saturdays before 0600 hours or after 1800 hours and at any time on Sundays, Public and Bank Holidays.

The proposed variation would increase Saturday opening until 2200 hours and on Sundays, Public and Bank Holidays between 0900 hours and 1600 hours.

Condition 33 as proposed:

There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Saturday and on Sundays, public or Bank Holidays before 0900 hours or after 1600 hours.

**Applicant** Ashford Borough Council, Corporate Property and Projects, Civic Centre, Tannery Lane, TN23 1PL

**Agent** None

**Site Area** 2.23 hectares

(a) 21/R (b) - (c) EHM – X, CACF - S

The Senior Planning Officer gave a presentation and drew Members' attention to the Update Report. One letter of objection had been received from a neighbour, as well as a letter of objection from the Godinton Road Community Group. An additional objection letter was received from a local resident on the day of the Committee meeting and Members were advised that the points made in it were covered in the report.

In accordance with Procedure Rule 9.3, Mr Seager, a local resident, had registered to speak in objection to the application on behalf of Godinton Road Community Group. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix D.

In accordance with Procedure Rule 9.3, Mr Kemp, on behalf of the applicant, had registered to speak in support of the application. His speech was read to the Committee by the Civic Engagement Officer and this is attached to these Minutes at Appendix E.

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

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**Resolved:****Permit**

**Subject to the following Conditions and Notes (re-imposed from 18/01843/AS where still relevant):**

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager 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 Condition number not used.
- 2 Condition number not used.
- 3 Condition number not used.

Site wide conditions (plots 1, 2 & 3)

Drainage

4. The approved drainage system (16/00526/CONB/AS and 17/01727/CONB/AS) shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

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

Construction Management Plan

5 All details of the approved construction management plan dated 28 June 2016 shall be adhered to during the construction period.

**Reason:** To ensure provision of adequate off-street parking for vehicles and in the interests of highway safety and to protect the local amenity.

Landscaping

6 The approved landscaping/tree planting scheme (16/00562/COND/AS) 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.<sup>7</sup>

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

## Ecology

7 Development shall be carried out in accordance with the recommendations of the Reptile Survey Report carried out by Ecology Solutions dated September 2015 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To protect and enhance existing species and habitat on the site in the future.

## Parking

8 The area shown on the approved drawings as vehicle parking space and turning shall be provided before the uses are commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

9 Condition number not used.

10 Condition number not used.

## Plot 1 (grounds maintenance)

### Lighting

11 No further external lighting shall be installed without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and Dark Skies SPD

12 All external lighting shall be extinguished outside of the hours of 06.00 - 18.00 Mondays to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

### Use

13 The premises/site shall be used for the purposes of a grounds maintenance depot 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 2005 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.

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

#### Hours of use

14 There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the grounds maintenance depot before 0600 hours or after 1800 hours  
Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

**Reason:** To protect the residential amenity of the locality.

#### Bicycle storage

15 The approved bicycle storage facilities shall be retained and made available for use.

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

16 Condition number not used.

#### Plot 2 (concrete batching depot)

#### Lighting

17 The approved external lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

**Reason:** In the interests of residential amenity.

18 All external lighting shall be extinguished outside of the hours of 07.00 -17.30  
Monday to Friday and 07.00 - 13.00 on Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies  
SPD

#### Bicycle parking

19 The approved bicycle storage (16/00562/AS) shall be retained in perpetuity.

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

#### Use

20 The premises/site shall be used for the purposes of the use approved 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 2005 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.

21 With the exception of no more than 12 occasions in each calendar year, there shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0700 hours or after 1730 hours Mondays to Friday, 0700 hours or after 1300 hours on Saturdays: or at any time on Sundays, Public and Bank Holidays.

**Reason:** To protect the residential amenity of the locality.

Plot 3 (industrial units)

22 Condition not used

Lighting

23 The approved lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

**Reason:** In the interests of residential amenity.

24 All external lighting shall be extinguished outside of the hours of 0600 hours-1800 hours Monday to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

25 BREEAM

a) part a) discharged under 17/01727/CONA/AS

b) Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing on a given phase:-

i) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within

BREEAM 2011 New Construction (or subsequent equivalent requirements),

ii) Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

iii) A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

c) Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for

achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

d) Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

i) SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

#### Landscaping/trees

26 The approved tree planting scheme and maintenance schedule (to include the planting of trees as shown on either approved drawing numbers GMDT005 or GMDT006) as approved under 16/00562/COND/AS, shall be carried out fully within 12 months of the completion of the development. Any trees 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.

#### Highways

27 Prior to the commencement of the development the proposed new access gate and crossover for HS1 and gas board maintenance shown on drawing GH-102-TP-01 shall be provided in accordance with the approved plans and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and the protection of the HS1 asset.

## Bicycle parking

28 The approved bicycle storage 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 parking facilities for bicycles in the interests of highway safety.

## Use

29 The premises/site shall be used for the purposes of B1(c), B2 and B8 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 2005 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.

30 No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

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

31 Industrial processing shall only take place in the buildings identified on the approved plans.

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

32 There shall be no storage on the site other than within a building.

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

33 There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Saturday and on Sundays, Public or Bank Holidays before 0900 hours or after 1600 hours.

**Reason:** In order to balance enhanced flexibility for intended occupiers of the units at Plot 3 with the context of the site and nearby uses.

## HS1

34 The works bulleted below shall be carried out only in accordance with the approved details (16/00562/CONF/AS):

- Hard and Soft landscaping arrangements for HS1 maintenance strip



- Adjustments to errant vehicle protection barrier and access gates to be compliant to standards and approved by KCC highways and evidence provided.
- Impact assessment for loads on tunnels.

**Reason:** The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.

35 The foundations and other works proposed below existing ground level shall be carried out in compliance with the approved details (16/00562/CONF/AS) unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

**Reason:** To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.

36 The approved special measures (16/00562/CONF/AS), to identify and protect HighSpeed1 or UK Power Networks buried services shall be shall only take place in compliance with approved measures unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** No such details have been provided. These services are crucial to the operation of HighSpeed1

37 Works relating to size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be shall be carried out in conformity with the approved details (16/00562/CONF/AS) unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

38 Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance in accordance with the approved details (16/00562/CONF/AS) in consultation with HS1.

Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring

**Reason:** No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.

Other (plots 1, 2 & 3)

39 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.

40 The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

### **Note to Applicant**

#### 1. Working with the Applicant

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- 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.

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Queries concerning these Minutes?

Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)

Agendas, Reports and Minutes are available on: <https://.ashford.moderngov.co.uk>

**MR SPENCER-TANNER – LOCAL RESIDENT - OBJECTS****Objection Speech Application 20/00327/AS Land SE of Plum Trees Bowerland Lane, Old Wives Lees  
To be heard at the Planning Committee on 3<sup>rd</sup> June 2020**

I am speaking on behalf of the majority of residents whose properties are located along Bowerland Lane, Old Wives Lees and have objected to development on this site since 2018.

Whilst appreciating that this is a reserved matters application we believe it essential that the committee are made aware of the following as they are material in regards to the principle of development on this site and go to the core of this reserved matters application:

**SITUATION**

- 23/10/18 - Original outline application was lodged.
- 25/01/19 - email between planning officer and agent confirming “the proposal was contrary to the adopted plan at the time. The officer stated “emerging policy HOU3a was more sympathetic and therefore there was no objection to the proposal in principle”
- February 2019 Local plan 2030 adopted and around this time ABC also adopted the defined village confines.
- 10/04/19 Application approved

**ISSUES**

- At the time of the original outline approval being given both the local plan 2030 and the village built confines had already been adopted. The application site sits some way outside of the approved village confines.
- Policy HOU3a is only applicable for new development **within** the build confines of a village.
- The email of the 25<sup>th</sup> January 2019, recognises the proposal was “contrary to the adopted local plan” but indicated approval on the assumption that the emerging plan would be supportive. As it transpires, it is not
- Therefore the current adopted plan and village confines are set against the application and the preceding local plan declares as having the application contrary to it... yet the principle to develop was approved.

This situation has created significant frustration amongst residents. They believe that the granting of outline planning permission on 10/4/19, 7 months after submission, contravened the Adopted Local Plan 2030, policy HOU3a, plus the adopted village confines. As such the officer should have refused the original application.

The council could decide to revoke the original outline planning by way of s.97 Town and Country Planning Act 1990 on the basis of these material considerations.

Should the committee be mindful to approve this reserved matters application the following point is of concern:

- The outline permission is “for two single storey units with second floor accommodation provided within the roof space”.

This reserved matters application is for two units with 4 bedrooms utilising the roof space. Effectively two 2 storey properties, not in keeping with the neighbouring bungalow Plum Trees.

## **MR GATES – LOCAL RESIDENT - OBJECTS**

Application No: 19/01768  
Violet Cottage  
Stalisfield Church Road  
Charing  
Kent TN27 0HE

### **Objection**

1. The submitted application is invalid as it shows the application site as being wholly within the ownership of the applicant and Certificate A has been signed. However, the access from the highway is shared/jointly owned with the neighbouring property and as such Certificate B should have been completed and Notice 1 served. It is unreasonable for Members to consider a proposal which is technically incorrect.
2. This proposal is for the creation of a new dwelling in the countryside and AONB, as stated in the submitted Design and Access Statement. The Ashford Local Plan is very clear at policy HOU5 that residential development in the countryside will only be permitted under a certain set of criteria, which are also set in the National Planning Policy Framework (“the NPPF”) at paragraph 79. No information has been submitted by the applicant to demonstrate how the proposed new dwelling would accord with the provisions of this criteria. Also the proposal is located within the AONB and no demonstration has been provided to justify the proposal - within the context of the national level of protection to conserve and enhance the AONB.
3. The proposed new dwelling is not essential for a rural worker to live permanently in or near to their place of work in the countryside, it does not involve a heritage asset and it is not the re-use of redundant or disused buildings as the garage is clearly associated with the main dwelling. The proposed dwelling is not truly outstanding, of exceptional quality or innovative design reflecting the highest standards of architecture, significantly enhancing its immediate setting, sensitive to the defining characteristics of the local area. It is also not a replacement dwelling. It is very clear that the proposal does not accord with policy HOU5 and paragraph 79 of the NPPF.
4. The submitted Design and Access Statement is incorrect – the neighbouring property was not a new dwelling but a conversion of an existing barn and, in order to meet similar policy criteria regarding enhancement of the AONB at the time of submission, a large shed/workshop was demolished as part of the proposal.

5. If members approve this proposal, this will set a precedent for the construction of new dwellings in the countryside, against adopted national and local planning policy.

**MR NEWMAN – PLUCKLEY PARISH COUNCIL - OBJECTS**

20/00200/AS LANTARNA

Pluckley Parish Council regrets that the matter of a hedge has come to this stage. This is the sole remaining Condition of the original approval to build. Others were imposed but they were ignored and subsequently relaxed.

The importance of the hedge being of a reasonable height is that it mitigates the roadside impact of the house. As the Officer making the Condition said “to protect and enhance the amenity of the area”. The house is not in sympathy with the built development in the area as required by the Neighbourhood Plan. It does not reflect the size and bulk of its neighbours. In fact, it dwarfs them. Nor is it compatible with the character of the surrounding area, with its modern style starkly at odds with the 17<sup>th</sup> century cottages to the right, and the Victorian cottages to the left.

The original Condition required that the existing 2 metre plus hedge be retained but, if not, that it be replaced with a hedge of a similar height. It was removed by the applicant. A subsequent Condition then required that the hedge be a minimum of 1.5m in height. This was acceptable to the Parish Council. Instead, a line of small yew plants has been installed. They are 0.7m high, and only 0.4m of this is visible because of the wall erected in front of them, exacerbating the problem. Some plants have already died. The rest would take years to reach the required height of 1.5m. It really does not seem much to ask that a hedge of 1.5m be re-installed to soften the impact and maintain the rural character of the area. We simply ask that this one remaining Condition be upheld.

(Alternative text to “The house is not in keeping....” This is a very individual house. Its ultra-modern style and its size do not sit comfortably with the neighbouring houses within this semi-rural setting. A meaningful hedge would soften its impact.)



## APPENDIX D

**MR SEAGER – LOCAL RESIDENT/GODINTON ROAD COMMUNITY GROUP - OBJECTS****01<sup>st</sup> June 2020**

Mr/Madam Chairman and Committee Members

In view of the late change to the proposed new working hours, our group consulted widely with our members and beyond. The overwhelming response was in favour of rejecting the application. One person contacted in support.

The extent of our correspondence points towards widespread concerns over the existing situation on Cobbs Wood which has reached the limit for most. It is to this, that Carlton Road is being grouped. Adding a further 27 individual and as yet unknown, units is seen by the majority as the potential for making things worse.

From the outset, genuine concerns were raised as to the effect this development would have on the residential area. The offer to insert Clause 33 was seen as an amicable solution to allow the development to go ahead with general approval.

As nothing has changed in the meantime, the initial concerns still exist. Our objections to this application remain as detailed in previous applications and more extensively in our letter to individual members.

As similar applications have been rejected twice before it is our collective majority decision that there is no justification for approving this application

**GODINTON ROAD COMMUNITY GROUP**

## MR KEMP – ON BEHALF OF APPLICANT - SUPPORTS

### Removal of Condition 33 of the planning permission 18/01843/AS – hours of operation

Noise is **not** an issue to this application (which is some 90 meters from the nearest residential properties in Sackville Crescent and beyond, and separated by the High Speed railway line). This is evidenced by the acoustic report from Able Acoustics, which concludes that “**there are no further reason on noise grounds why the relevant planning condition may not be removed.**”

Small to Medium sized enterprises’ ability to maintain their competitive position in the marketplace is paramount, and such businesses need to reflect the business environment within which they operate. To be successful they need to be innovative with products or service offerings to meet new market demands, and to boost efficiency by increasing turnover from a lower cost base to remain competitive [ie by spreading fixed costs over more days & therefore utilise its premises more effectively].

SME’s also **require flexibility**. Marketing of the Carlton Rd estate over the last two years has been hampered by a lack of flexibility due to its restricted hours of operation. In my professional opinion - this is not unexpected, and this opinion is not simply speculation, but based on the feedback from potential occupiers themselves and indeed the Letting Agents Altus, and a reason that Screwfix and interest from other potential lettings have fallen away.

Occupancy of this estate will help support Ashford to create jobs and prosperity for its residents.

Why would any tenant choose to locate at Carlton Road, when all around Ashford there are a myriad of alternatives **without** the restriction on operational hours suffered here ?

To continue to maintain restrictive hours of operation will **blight** the potential of the estate, and block future lettings, which will in turn put pressure on the Council’s revenue budget over the next 5 years by leaving the estate non-income producing. Furthermore, the additional ancillary costs of voids – such as insurance, empty rates and maintenance liabilities will significantly worsen the Council’s revenue position, doing the local tax payers a great disservice.

I consider that this proposal strikes the right balance between a business’ need to operate, and the needs of local residents - where the amenity of neighbouring residents will not be eroded by the change in hours sought by this application.