

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **12th October 2022**.

Present:

Cllr Burgess (Chairman);

Cllr Blanford (Vice-Chairman);

Cllrs Campkin, Chilton, Forest, Harman, Iliffe, Meaden, Mulholland, Ovenden, Shorter, Spain and Sparks

Apologies:

Cllrs N Bell, Howard

Also Present:

Cllrs Anckorn, Mrs Bell, Buchanan.

In Attendance:

Interim Planning Applications and Building Control Manager, Team Leader – Planning Applications, Planning Officer, Principal Solicitor (Strategic Development); Member Services Officer.

183 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Blanford	Made a Voluntary announcement that she was a Member of the Weald of Kent Protection Society (WKPS) and the Campaign to Protect Rural England (CPRE).	
Cllr Buchanan	Made a Voluntary announcement that he was the Portfolio Holder for Housing and was in attendance only as the Ward Member.	22/01011/AS
Cllr Burgess	Declared that he was the Deputy Portfolio Holder for Housing and the Housing department was consulted.	22/01011/AS
	Declared that he was the Deputy Portfolio Holder for Housing and the Housing team was the applicant and he had taken no part in any discussions.	22/00722/AS
Cllr Chilton	Made a Voluntary announcement that he was the Chairman of Stanhope Parish Council who had commented on the application but he was not present during nor took any part in the discussions.	22/00722/AS

184 Minutes

The Minutes had not been published and would be presented for approval at the November meeting.

185 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 '-'

Application Number	22/01011/AS
Location	Ashford Fire Station, Henwood, Ashford, Kent, TN24 8YF
Grid Reference	601683 /142889
Parish Council	Central Ashford
Ward	Furley
Application Description	Partial remodelling and upgrading of existing fire station including demolition of existing live fire training building and construction of new live fire training building, support building, reconfiguration of Road Traffic Collision (RTC) training area and vehicle storage, minor amendments to existing fire station building, creation of secondary access off Henwood, provision of additional parking to front and side of existing building, erection of fence and gates to rear access road, erection of acoustic fence along and retaining wall and ancillary works.
Applicant	Kent and Medway Towns Fire Authority
Agent	DHA Planning Ltd
Site Area	0.6 hectare

The Team Leader – Planning Applications gave a presentation, outlining the need to update the county-wide Fire Service training facilities, the current site usage and the proposed layout, stressing the measures proposed to protect the approved social housing accommodation block residents from disturbance and the visual impact assessment from the public park. He gave a verbal update on a recent consultation response from KCC Biodiversity who had raised no objection to the proposal, subject to a condition requiring ecological enhancements, and he added to the recommendation a request for additional conditions relating to the provision of details of the boundary proposals, site landscaping adherence and tree protection measures during construction.

In accordance with Procedure Rule 9.3, Mr Matt Deadman, for the applicant, was in attendance and delivered a speech in support of the application. Both Ward Members were present and spoke in support of the application.

Resolved:

PERMIT - subject to the following conditions:-

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

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

2. The development 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.

3. The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

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

Reason: In the interest of the visual amenity of the locality.

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

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

6. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter 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.

7. 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.

8. Prior to the use of the new buildings hereby approved, Electric Vehicle charging shall be provided at a rate of 10% of the additional parking spaces having active charging facilities, and 10% passive provision. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles in accordance with Local Plan policy ENV12.

9. Prior to the use of the new buildings hereby approved, details of the smoke capture and filtration plant to be used on the site in relation to reducing smoke and odour disturbance to neighbouring residential properties shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the use and occupation of the buildings and thereafter shall be retained and maintained in an effective working condition.

Reason: In the interest of safeguarding the amenity of nearby residential occupiers.

10. Prior to the commencement of the development, a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved in writing by the Local Planning Authority and no development shall commence until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A full copy of the completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

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

Part 2

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

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

12. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and IAQM guidance on controlling dust on construction sites unless previously agreed in writing by the Local Planning Authority. The code shall include,
 - An indicative programme for carrying out the works
 - Measures to minimise the production of dust on the site(s)

- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works
- Arrangements for the treatment / disposal of surface water during construction.

Reason: To protect the amenity of local residents in accordance with the Local Plan.

13. Light trespass into the windows of any sensitive premises (e.g. residential properties, hospitals) shall not have a Vertical Luminance greater than 5 Lux.

Reason: In the interests of the amenities of neighbouring light-sensitive development.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

15. The approved development shall be carried out in such a manner as to avoid damage to the existing trees and other planting to be retained, including their root systems, by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

- (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 25mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever 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.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

16. Details of walls and fences to be erected within the development, including details of the proposed acoustic fence, shall be submitted to and approved in writing by the Local Planning Authority before their erection on site which shall be in accordance with the approved details. The approved acoustic fence shall be erected prior to the first use of the road traffic collision training area and/or the live fire training facility and thereafter retained in situ as an effective acoustic barrier.

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

17. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

18. Within 3 months of works commencing on site an ecological enhancement plan shall be submitted to approve by the Local Planning Authority in writing. The plan must demonstrate what ecological enhancements will be incorporated into the area of retained vegetation in the North West of the site and include a timetable for implementation. The plan shall thereafter be implemented as approved and the ecological enhancements subsequently retained and maintained.

Reason: To ensure biodiversity net gain on the site and in the interests of matters of ecological importance.

Informatives

1. 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, was provided with pre-application advice, the application was acceptable as submitted and no further assistance was required. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3. The applicant is advised that Any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

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

Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Application Number	22/00839/AS
Location	1 Grove House, The Grove, Pluckley, Ashford, Kent, TN27 0RR
Grid Reference	592282/143405
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed detached dwelling and associated garaging on existing residential classified land
Applicant	Mr & Mrs Dale
Agent	Price Whitehead
Site Area	0.12 ha

The Team Leader – Planning Applications gave a presentation. He detailed the location of the site with particular regard to the built confines of Pluckley Station, recently-approved local development, the history of the site purchase and its current use, proximity of neighbouring properties, and the proposed access, design and materials of the proposed new home. He emphasised the strong barrier line to the north, separating the garden from agricultural land. There were no updates to communicate.

In accordance with Procedure Rule 9.3, Ms Carol Thomas, resident, was in attendance and delivered a speech in objection to the application.

In accordance with Procedure Rule 9.3, Ms Helen Whitehead, agent, was in attendance and delivered a speech in support of the application.

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

Resolved:

Permit

subject to the imposition of the following conditions.

Conditions

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

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

- 2 The development 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.

- 3 The development shall be carried out in accordance with the plans and the details (including mitigation measures) set out in the accompanying documents listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

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

Reason: In the interest of the visual amenity of the locality.

5. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following: (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation; (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation; (d) No roots over 50mm

diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation; (e) Ground levels within the spread of the branches or Root Protection Areas (whichever 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. (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan. (*A specific time limit should be included). It is not considered to be reasonable to use conditions as an alternative to Tree Preservation Orders to secure long-term protection of trees.)

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the approved dwelling shall be carried out without the prior written approval of the Local Planning Authority.

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

8. The approved dwelling shall be provided with at least one electric vehicle charging point prior to first occupation. This must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of

facilities for charging plug-in vehicles.

Informative

Working with the Applicant

1. 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,
 - 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	22/00722/AS
Location	85 Kilndown Close, Stanhope, Ashford, Kent, TN23 5SU
Grid Reference	59932/14076
Parish Council	Stanhope Parish Council
Ward	Stanhope Ward
Application Description	Change of use of doctor's surgery to one residential dwelling and first floor extension.
Applicant	Ashford Borough Council
Agent	N/A
Site Area	347.63 square metres

The Planning Officer gave a presentation, stating the disuse of the site in 2018 as a doctor's surgery, the proposal to return the property to residential accommodation, and showing the floor plans.

Resolved:

Permit

- A. Subject to the applicant submitting information to enable an Appropriate Assessment under the Habitats Regulations to be adopted by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in their view, having consulted the Solicitor to the Council & Monitoring Officer and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site; and with delegated authority to the Planning Applications and Building Control Manager or the Strategic Development and Delivery Manager to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto; and,
- B. Subject to planning conditions and notes, including those dealing with the subject matters identified below, (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and

triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

Conditions and Notes:

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

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

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