

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th April 2019**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Bradford, Buchanan, Clarkson (ex officio), Clokie, Dehnel, Galpin, Hicks, Knowles, Krause, Smith, Waters, Wedgbury.

In accordance with Procedure Rule 1.2(c) Cllr. Smith attended as Substitute Member for Cllr. Ovenden.

Apologies:

Cllrs. MacPherson, Ovenden.

Also Present:

Cllrs. Michael, Pickering.

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

434 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 20th March 2019 be approved and confirmed as a correct record.

435 Changes to Delegations and Authorisations Granted by this Committee

The Chairman advised Members that this would be Lois Jarrett's final meeting as Head of Development Management and Strategic Sites after 32 years' service to Ashford Borough Council. Members thanked Ms Jarrett for her work and wished her all the best in her new role with Dover District Council.

Resolved:

That, with immediate effect, all delegations and authorisations granted by this Committee at any time to the Head of Development Management and Strategic Sites (whether by that title or by any other title, and whether individually or

jointly with any other officer(s)) be exercisable in addition by the Joint Development Control Managers, and by the Head of Planning & Development during the absence of a Head of Development Management and Strategic Sites.

436 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	18/01803/AS	
Location	Studio at Beale Lands Farm House, Shawlands Lane, High Halden, Kent, TN26 3JA	
Grid Reference	89238/37593	
Parish Council	High Halden	
Ward	Weald Central	
Application Description	Extension to, and conversion of, former studio to holiday let with associated parking and amenity curtilage	
Applicant	Dr A Bird, Beale Lands Farm House, Shawlands Lane, High Halden, Kent, TN26 3JA	
Agent	Mrs H N Whitehead, Price Whitehead, Estate Office, Forstal Farm, Leigh Green, Tenterden, Kent, TN30 7DF	
Site Area	0.03 ha	
(a) 3/1R; 1+	(b) R	(c) KCC Ecology +

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Comments had been received from ABC Environmental Protection and there were amendments to the wording of Condition 3 on page 19 of the agenda.

In accordance with Procedure Rule 9.3 Ms Whitehead, the agent, spoke in support of the application. She drew Members' attention to a number of exhibit pictures she had provided. She said the applicant had lived at the property for over a decade and when she purchased the Farmhouse it had been set up as a recording studio. The applicant's partner was a musician and gave guitar lessons in the studio for many years. The building had concrete block walls, window openings and a French door to the western side with timber shutter outer doors. It was understood that the building had once been a garage, but it had not been used for that purpose for a very long time, possibly since 2003. The proposal was to provide a modest, open plan, one bed holiday cottage, to be operated by the applicant. The building was capable of conversion without significant new construction works to the main structure. It was proposed to increase the lean-to footprint fractionally and a new pitched roof would be extended over the end of the building to match the current roof. The extension would equate to just 1.7% increase in the overall footprint. Policy established that minor increases in footprints of existing buildings were permitted to enable holiday accommodation to function. The Parish Council objected on overdevelopment grounds, but the applicant and agent did not agree. The proposal concerned an existing building with established use and a proposed fractional increase in its size. The immediate neighbour objected on noise and traffic grounds

but the proposed limitations of use and guest numbers in this sustainable location were extremely unlikely to give rise to any harm, especially as the applicant lived right next door to the building. Former uses involved numerous car movements throughout the day with people arriving for guitar lessons, whereas holiday use would generate much fewer trips. Planning permission for a single house on the land north of the site was granted last year, which was separate from this scheme. The holiday cottage would remain part of the applicant's property title and be operated by her and successors in title. The scheme provided a sympathetic re-use of the building.

In accordance with Procedure Rule 9.3 Mr Audsley, on behalf of High Halden Parish Council, spoke in objection to the application. He said the Parish Council had taken a reasonable approach to development in the village in the past, but objected to this application on two grounds. Firstly, this was overdevelopment. The application was on a site attached to one house and opposite another. The Officer may not consider this overdevelopment, but the Parish Council disagreed. The pictures provided by the agent did not show the proposed property on site for which planning permission had already been given. Therefore the holiday let building would sit between two houses, not near only one. Secondly, the site was outside the village confines. Last year, the Parish Council had undertaken a detailed exercise to identify the village confines. A report had been submitted by the Parish Council to the Borough Council, and it was disappointing that no response had been received after 6 months. Beale House did not fall within the village confines identified by the Parish Council.

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

Resolved:

Permit

Subject to the following Conditions and Notes:

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

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

2. The approved holiday let shall be used for holiday accommodation only and shall not be occupied by any person as his or her sole or main place of residence.

Reason: To prevent the formation of a substandard dwelling without adequate independent living space.

3. An up to date register shall be kept, in legible English, of the guests using the holiday let including their name and permanent address and this register shall be made available for inspection by the Local Planning Authority at an address notified in writing to the Local Planning Authority at 48 hours notice.

Reason: To enable the Local Planning Authority to monitor the occupation of the holiday let to prevent the establishment of a permanent residential use of the site, which would be contrary to Development Plan policy HOU12 as this would result in the formation of a substandard dwelling without adequate independent living space.

4. The area shown on the drawing number B1291 D01 Rev 2 as vehicle parking space shall be provided before the use is 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

5. During the construction phase, the development shall follow the Reasonable Avoidance Measures outlined in the Ecological Appraisal at paragraph 6.2.

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

6. Prior to the commencement of the use, the post work enhancements detailed in paragraph 6.2 of the Ecological Appraisal shall be provided including the provision of a bird box and a bat box, and these shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

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

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E; of Part 1 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.

9. 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.

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

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

Notes to Applicant

1. Working with the Applicant

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

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

In this instance

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to

be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

In accordance with Procedure Rule 15.5 Cllr. Wedgbury asked that his vote against the motion to permit be recorded.

Application Number	18/00826/AS		
Location	Land at Eureka Business Park, Trinity Road, Boughton Aluph		
Grid Reference	00574/45165		
Parish Council	Boughton Aluph		
Ward	Boughton Aluph and Eastwell		
Application Description	Three storey office building with associated car parking and hard and soft landscaping along with an extension to the existing estate road.		
Applicant	Helix Property Ltd, c/o Bizspace Ltd, c/o Bizspace Ltd, 3rd Floor, Winston House, 2 Dollis Park, London, N3 1HF		
Agent	Wayne Organ, The Carriage Building, Bruton way, Gloucester, GL1 1DG		
Site Area	0.66 hectares		
(a) 6/3R	(b) R	(c)	ENM (EP) X, EDO S, KCC Ecology X, KCC Flooding X, HE X, NE X, PO (drainage) X, SW X, Stagecoach X, KHS X,
Amends			KHS S, HE S, KCC Ecology X, KCC Flooding X
3/-			

The Ward Member attended and spoke in objection to the application.

Resolved:

(A) Subject to delegated authority to either the Head of Development Management and Strategic Sites 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 she sees fit

(B) Permit

Subject to the following conditions and notes:

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

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

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

Drawing number 1881-1001 P07

Drawing number 8513/PL01

Drawing number 8513/PL02 A

Drawing number 8513/PL03

Drawing number 8513/PL04

Drawing number 8513/PL05

Drawing number 8513/PL06

Drawing number 8513/PL07

Drawing number 8513/PL08

Drawing number 8513/PL10

Drawing number E-103 P1

Drawing number C21656-07 Revision B (Drainage)

Drawing number C21656-01 Revision C (Drainage)

Reason: Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interests of visual amenity.

Highways

3. 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 the Control of dust from construction sites (BRE DTi Feb 2003).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)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking, turning or holding areas for construction and delivery vehicles and site personnel
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- 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

Reason: To protect the amenity of the surrounding

4. The area shown on the drawing number 1881-1001–P07 as vehicle parking space, loading, off-loading and turning space shall be provided, before the use is 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, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users

5. The bicycle storage facilities shown on drawing number 1881-1001-P07 shall be completed and made available for use 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.

Drainage

6. The development shall be carried out in accordance with the drainage drawings C21656-07 (Revision B) and C21656-01 (Revision C). In addition the development shall adhere to the wider principles contained within "Whole Catchment Analysis and Flood Risk Assessment" (March 2006) report by Quadrant Estate.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

7. Prior to occupation of the development details of the proposed means of foul water sewerage disposal shall have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: In the interests of providing proper foul drainage on the site.

Contamination

8. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the guidance in CR11 "Model procedures for the Management of Contaminated land" published by the Environment Agency and where remediation is necessary a remediation scheme must be prepared in accordance with these requirements.

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.

Archaeology

9. 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 by the Local Planning Authority.

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

Landscaping

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.

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

11. The details of soft landscape works required in condition 11 above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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 similar size and

species, unless the Local Planning Authority gives written consent to any variation.

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

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

14. Prior to the commencement of works an Arboricultural Method Statement detailing the specification and alignment of tree protection fencing, ground protection boarding and details for sensitive working measures with the RPA's of trees affected by the development shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless with the written consent of the Local Planning Authority.

Reason: In the interests of good arboricultural practice and visual amenity by protection existing trees

Materials

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

Reason: In the interests of visual amenity.

Sustainable design and construction

16. *(a) The building shall be built to at least a minimum BREEAM 'Good' standard, with at least a 40% improvement in water consumption against the baseline performance of the building (Wat1, 3 credits) as outlined in the submitted pre-assessment report.*

(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

Use class restrictions

17. The premises/site shall be used for B1 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: Alternative employment uses may not be appropriate under the Eureka business Park site policy S20 of the adopted Ashford Local Plan 2030.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revoking or re-enacting that Order, no further development shall be carried out within Schedule 2, Part 7 class F of that Order without prior approval of the Local Planning Authority.

Reason: In the interests of protecting the character and amenities of the locality in accordance with policy S20 the adopted Ashford Local Plan 2030) and providing adequate parking provision to serve the development.

Ecology

19. Prior to the substantial completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity

Surface Water Management and Maintenance

20. Prior to the first occupation of the building details of a management and maintenance plan of the surface water SUDS including interceptor to deal with contaminants from the parking area, that will serve this development shall be submitted to and approved in writing by the Local Planning Authority and the surface water SUDS and interceptor shall thereafter be managed and maintained in accordance with the approved details.

Reason. In interests of the proper management and maintenance of the surface water drainage

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 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/agent responded to our initial contact on highway, flooding and ecological issues by submitting further amended plans/information,
 - The application was dealt with/approved without delay.
2. 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 occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
3. 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: 0330 303 0119) or www.southernwater.co.uk.
4. 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. 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.
- 5 The Kent Design Initiative (KDI) was developed by council planners and Kent Police to assist applicants and agents seeking planning consent to design out crime, it also aids Crime Prevention and Community Safety. The KDI, its protocol,

CPTED, BREEAM and Secured y Design (SBD) can be downloaded from <https://www.kent.police.uk/advice/businesses/planners-and-developers/>. The applicant can contact the local Designing Out Crime Officer (DOCO) of Kent police on this matter. E-mail: pandcr@kent.pnn.police.uk

Queries concerning these Minutes?

Please contact membersservices@ashford.gov.uk

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