

Application Number	19/01081/AS	
Location	1 Brookfield Court, Ashford, Kent, TN23 5ER	
Grid Reference	99686/41691	
Parish Council	Central Ashford	
Ward	Beaver Ward	
Application Description	To re-route the existing internal commercial flue externally to the north eastern side of the building	
Applicant	Ashford Borough Council, Corporate Property	
Agent	N/A	
Site Area	0.01	
(a) 6/-	(b)	(c) EHS - X

Introduction

1. This application is reported to the Planning Committee as Ashford Borough Council, Corporate Property are the applicants.

Site and Surroundings

2. The application site comprises a ground floor retail unit which is currently serving as a fish and chip shop/takeaway. The site is within the built confines of Ashford within a terrace block of seven other similar style retail units with a larger supermarket opposite. There are residential flats on the upper floor.
3. There is a parking area surrounding the site as a whole and the eastern side is towards Brookfield Road.



Figure 1 - site location plan

Proposal

4. Planning permission is sought to re-route the existing internal flue serving the fish and chip shop to an external position on the eastern side of the building.
5. The existing flue currently extends from the ground floor up into the residential property and out through the roof. Water is entering the premises via the flat roof into the boxing in and around the flue and into the shop causing substantial water damage/staining.
6. The existing internal flue is to be removed and then reinstalled on the eastern elevation which is brickwork to the first floor then is tile hung. Areas of the tile hanging will need to be removed to affix the support brackets but then will be replaced.
7. Other than the fish and chip shop, which will need to be closed for the works to be completed, the other properties will be able to remain open. There will

be minor changes to the car parking to enable contractors to carry out the works.



Figure 2 - proposed front/rear elevations

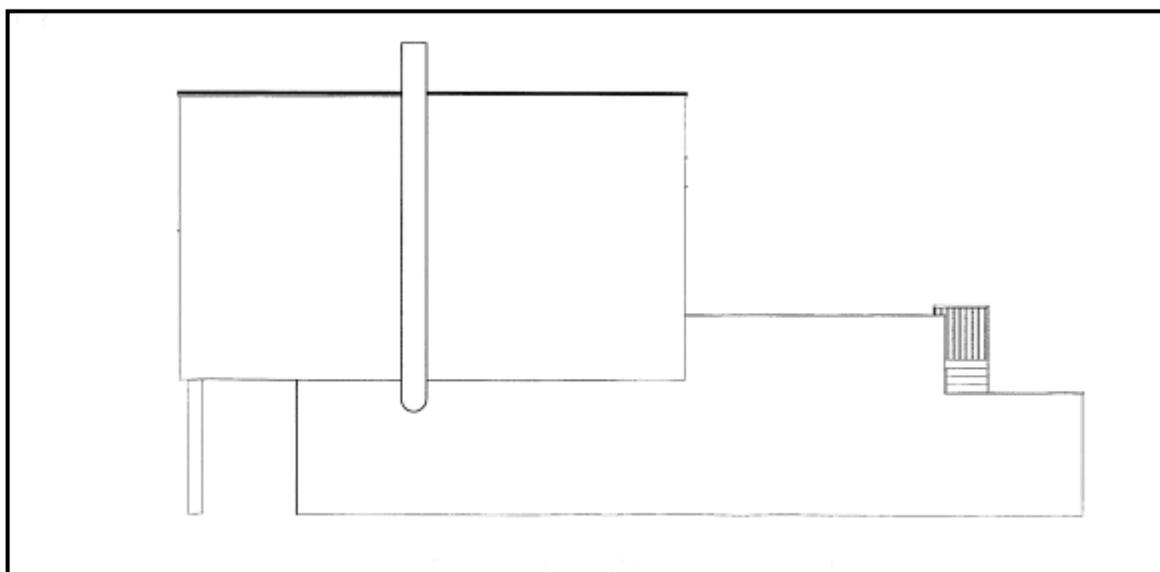


Figure 3 - proposed side elevation

Planning History

8. There is no recent planning history.

Consultations

Ward Members: no comment received

Neighbours: 6 neighbours consulted; no representations received

Environmental Services: No objection but state – proposal does not result in the moving of the fan/motor externally therefore no significant noise concerns. Duct terminus is above finished floor level and not provided with cowl/cap therefore recommendation for condition to be imposed requiring the terminus to exit vertically and to be fitted with a high velocity forcing cone (not a cowl/cap) to aid odour dispersion.

Planning Policy

9. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), Rolvenden Neighbourhood Plan (2019) and the Kent Minerals and Waste Local Plan (2016).
10. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
11. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 - Strategic Objectives

SP6 - Promoting High Quality Design
12. The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2019

13. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF).

National Planning Policy Guidance (NPPG)

Assessment

14. The main issues for consideration are:
- Visual amenity
 - Residential amenity

Visual Amenity

15. It is of note there is a fairly similar type of flue on a neighbouring unit on the rear elevation. The erection of the flue on the external elevation would be visually acceptable and would not be out of keeping with the locality as a whole. There would therefore be no harm to visual amenity as a result of the development.

Residential Amenity

16. Were the flue to be positioned on the rear elevation, for example, this would result in termination through the decked area/flat roof serving the residential flat above. Therefore, its siting on the side elevation would be preferable and would therefore not cause harm to residential amenity as a result of the development subject to the conditions requested by Environmental Health.

Human Rights Issues

17. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

18. 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 as explained in the note to the applicant included in the recommendation below.

Conclusion

19. The objective of the development is to provide a more acceptable form of flue and ducting and to prevent any further damage to the building due to water ingress. The siting, design and appearance of the flue/ducting would be visually acceptable. There would be no harm to residential amenity subject to conditions. For the reasons above, I therefore recommend that the application be approved as it would accord with Development Plan policies.

Recommendation

Permit

Subject to the following Conditions and Notes:

(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. 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 external materials and finishes of the flue/ducting to be used for the approved development shall be of the same size, colour, tone and texture as those of the existing flue unless otherwise agreed in writing by the Local Planning Authority.

Reason: To assimilate the new development with the existing in the interests of visual amenity.

3. Prior to the commencement of development, details showing the vertical exit of the terminus and the fixing of a high velocity forcing cone shall be submitted to

and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of fumes and odours into neighbouring properties to protect amenity.

4. 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.

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

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

Note to Applicant

Working with the Applicant

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

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

In this instance

- the application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01081/AS)

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