

COMMITTEE DATE: 12th September 2019**APPLICATION NO:** RR/2018/3144/P

SITE: Gardenscape Yard,
Land near Bodiam Boating Station
Newenden

PROPOSAL: Change of use of land to a mixed use comprising the storage and distribution of aggregates and other landscaping materials (Class B8) with ancillary waste operations, together with a proposed building to accommodate brick crushing equipment and operations (Class B2). Retention of an open fronted bagging shed and existing pond/reed bed and formation of new open pond/soakaway.

Further correspondence has been received from the agent and the application, both addressed to the Committee Members ahead of the meeting. The updates have been circulated to Committee Members and include the following points:

Letter from the Agent:

- The agent welcomes the committee site inspection on behalf of the application.
- The agent notes his disappointment that public speaking will not be afforded to this Committee.
- The applicant has worked proactively with the Council in preparing technical reports in support of this application.
- It would be unrealistic for the planning department to assume that the site can be returned to a former hop-field if planning permission was refused as there have been activities taking place on this land for in excess of 10 years.
- The agent and applicant is disappointed that the Council has declined to amended the proposal by removing of the brick crushing activities and the brick crusher building from the proposal as they have given three weeks' notice before the planning committee date.
- The applicant proposes to the Committee to consider deferring the application to allow amendments or grant planning permission subject to the removal of the brick crusher.

Letter from the Applicant:

- The applicant provides an additional pack of information which details the history of the site, a statement in response to the County Landscape Officer's comments, an amended site plan demonstrating the removal of the brick crusher (the building to remain as proposed), historical Google images demonstrating incremental changes to the site and visual illustrations of the new office building which has been built on the Ashford side of the River.
- The applicant explains that they have given a commitment to the residents that they will no longer crush bricks on this site many months ago.

- The applicant maintains that they are a responsible employer.

The Council's response to the comments:

- The Council's recommendation remains unchanged.
- The Planning Practice Guidance states that following validation, it is the discretion of the local planning authority as to whether the application can be amended (Paragraph: 061 Reference ID: 14-061-20140306). As such, the Council reserves the right to refuse to consider amendments following the validation of the application.
- In this case, the proposed amendments (i.e. the removal of the brick-crusher) would not overcome the overriding concern with the scheme; that being the principle of the use in respect of landscape impact. Consequently, the Local Planning Authority does not accept these amendments.
- Notwithstanding the fact that time allowed to make the amendments was not sufficient and did not allow enough time for the Council to re-consult on the matter to feed into the September Committee deadline; where reports and agendas must be prepared well in advance of the meeting.
- Furthermore, on a number of occasions, the Planning Officer raised the issue of brick crushing with the Agent throughout the planning application and was consistently instructed to determine the application as submitted, without amendment.

RECOMMENDATION: AS REPORT