

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16<sup>th</sup> March 2016**

### Present:

Cllr. Burgess (Chairman);

Cllr. Wedgbury (Vice-Chairman);

Cllrs. Apps, Barrett, Mrs Bell, Bennett, Mrs Blanford, Bradford, Dehnel, Farrell, Galpin, Heyes, Hicks, Link, Smith.

In accordance with Procedure Rule 1.2 (iii) Councillors Mrs Bell, Hicks and Smith attended as Substitute Members for Councillors Clokie, Powell and Ovenden respectively.

### Apologies:

Cllrs. Clarkson, Clokie, Ovenden, Powell, Waters.

### Also Present:

Cllr. A Howard.

Joint Development Control Manager, Principal Strategic Sites Planner & Urban Designer, Senior Development Planner (Kent Highway Services), Principal Solicitor (Strategic Development), Member Services and Scrutiny Support Officer, Head of Planning & Development, Chilmington and Design Team Leader.

## 377 Declarations of Interest

| Councillor   | Interest   | Minute No.           |
|--------------|--|----------------------|
| Mrs Bell     | Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection Society                      | 379 –<br>14/01116/AS |
|              | And  |                      |
|              | Made a Voluntary Announcement as she was the Portfolio Holder for Public Interaction and Borough Presentation. | 379 –<br>15/01575/AS |
| Bennett      | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.                      | 379 –<br>14/01116/AS |
| Mrs Blanford | Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection                              | 379 –<br>14/01116/AS |

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Society

And

|         |   |                      |
|---------|---|----------------------|
|         | Made a Voluntary Announcement as she was a member of the Campaign to Protect Rural England.   | 379 –<br>14/01116/AS |
| Burgess | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.   | 379 –<br>14/01116/AS |
| Smith   | Made a Voluntary Announcement as he was Treasurer of the South Willesborough and New Town Community Group who had made an objection to this item. He would speak and leave the Chamber for the debate and vote. | 379 –<br>15/01575/AS |

## **378 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 17<sup>th</sup> February 2016 be approved and confirmed as a correct record.**

## **379 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: -**

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|--|---|--|
| <b>Application Number</b>  | 15/01575/AS   |  |
| <b>Location</b>  | Site of former Klondyke Works, Newtown Road, Ashford, Kent  |  |
| <b>Grid Reference</b>  | 01548/41597   |  |
| <b>Parish</b>  | None  |  |
| <b>Ward</b>  | Aylesford Green (Ashford)   |  |
| <b>Application Description</b>   | Model railway visitors centre for the display and heritage of model railway models including new highways junction and associated parking |  |
| <b>Applicant</b>   | Mr Cliff Parsons  |  |
| <b>Agent</b>   | RDA Consulting Architects Ltd   |  |
| <b>Site Area</b>   | 1.01 ha   |  |
| (a) 37/1R<br>South<br>Willesborough<br>And Newtown<br>Community<br>Group - R<br>1 petition (93<br>signatories) | (b) -   | (c) HE - +<br>KH&T - X<br>KCC (Ecology) – R<br>KCC (Heritage) - X<br>SWS - X<br>PO – X<br>EA -<br>Stagecoach -<br>NR –<br>KWT –<br>Visit Kent –<br>The Historical Model<br>Railway Society –<br>KICC - |

The Principal Strategic Sites Planner & Urban Designer drew Members' attention to the Update Report. This detailed three errata, clarification on impact on listed buildings, an updated Recommendation and additional planning conditions.

In accordance with Procedure Rule 9.3, Mr Webb spoke on behalf of South Willesborough & Newtown Community Group in objection to the application. He said he had always had an interest in railways, both as a hobby and a second career and he would like to be sympathetic towards this application. However, his purpose at

the meeting was to represent the local community of New Town. The residents were concerned at the prospect of this large exhibition hall being built close to their homes. With a live steam miniature railway train round the perimeter of the site and only 7 metres from the children's bedrooms in the old school. This was compounded by the erection of the proposed 3 storey viewing platform which would overlook the nursery school and the residents' homes and gardens. There would be noise and smoke coming from the site all day from 10am to 6pm, 7 days per week. 60 car parking spaces would be inadequate for a projected maximum of 500,000 visitors with a potential demand for over 600 cars to be parked. The whole of the area of New Town and into South Willesborough would be swamped with cars from AIMREC visitors. Mr Webb questioned where all the visitors would park – not hundreds, but thousands of visitors. There would be chronic congestion and mayhem. This project would be an unwarranted intrusion into the lives of the residents, and this application should be refused.

In accordance with Procedure Rule 9.3, Mr Parsons, the applicant, spoke in support of the application. He explained that AIMREC was not a museum but a working hands-on education centre. It would be open 7 days per week from 10am – 5pm but the miniature outside railway would only operate at weekends, weather permitting. On Mondays the centre would be open only for school parties, undergraduates and students studying industrial and social history. Between them, the Trustees had over 150 years' experience in running model railway exhibitions. This project would be a huge benefit to Ashford with regard to employment and apprenticeships, and would provide the only model railway education visitor centre in the world. It would show a history of the Ashford works and Ashford's part in the two World Wars. This was a prime site due to railway links to London and Ashford's railway heritage. Advertising would encourage visitors to come by train. It was anticipated that AIMREC would contribute up to £20m revenue to the local economy. The website had already received 480,000 hits from 28 different countries with offers of support and donations. AIMREC noted, whilst looking for a venue, that Ashford had included this site in their Local Plan for tourism, leisure or light industrial purposes. At the outset the Trustees met with the New Town Residents Association who supported the idea of the centre, although they were concerned about parking provision. The Trustees had been working with Kent Highways and consultants, and as a result had provided more car parking spaces than required. In addition, AIMREC's new building was only half the size of the old sheds which once occupied the site.

The Ward Member said that he was in favour in principle of a railway museum in Ashford, but he outlined his concerns regarding this particular application.

**Resolved:**

- (A) Subject to the prior receipt of a Reptile Survey and appropriate mitigation measures, with delegated authority to the Strategic Sites and Design Manager or the Joint Development Control Manager to approve the same and to add any further planning conditions or obligations necessary to secure it.**

**(B) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations related to**

a. **Carbon off-setting; controlled parking zone; off-site highway works, travel plan and travel plan monitoring fee.**

b. **Monitoring fee**

as detailed in table 1, in terms agreeable to the Strategic Sites and Design Manager or the Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

**Table 1**

|    | <b>Planning Obligation</b>   |   |  |
|----|--|---|--|
|    | <b>Detail</b>  | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>                          |
| 1. | <p><b><u>Carbon Off-Setting Contribution</u></b></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the building set out in the approved energy performance certificate and quantified over 10 years.</p> <p><b>Project:</b> Retrofitting of International House with Low and Zero Carbon Technologies</p> | <p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p> | <p>Payable on the occupation of the building</p> |
| 2. | <p><b><u>Controlled Parking Zone</u></b></p> <p>Contribution towards the making and</p>  | <p>To be agreed in consultation with KCC</p>  | <p>On first occupation of the building</p>       |

| <b>Planning Obligation</b> |   |                                       |  |
|----------------------------|---|---------------------------------------|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>                      | <b>Trigger Point(s)</b>  |
|                            | implementation of a Traffic Regulation Order in Newtown and South Ashford area Zone 11 (north of Norman Road and east of Beaver Road)   |                                       |  |
| 3.                         | <b><u>Monitoring Fee</u></b><br><br>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking   | £1000 one –off payment                | Payment upon commencement of development                                       |
| 4.                         | <b><u>Off-site Highway Works</u></b><br><br>Provision of interim junction   | To be agreed in consultation with KCC |  |
| 5.                         | <b><u>Travel Plan</u></b><br><br>Submit a travel plan to be approved by the Council which aims to reduce car use by occupiers and encourage alternative modes of transport. Implementation of the approved travel plan. | Not applicable                        | Travel plan to be approved prior to first occupation                           |
| 6.                         | <b><u>Travel Plan Monitoring Fee</u></b><br><br>Contribution towards the cost of monitoring compliance with the travel plan and   | £5,000                                | £1,000 upon first occupation and £1,000 on the anniversary thereof for 4 years |

| <b>Planning Obligation</b>  |                  |                         |
|---|------------------|-------------------------|
| <b>Detail</b>   | <b>Amount(s)</b> | <b>Trigger Point(s)</b> |
| helping to ensure its success   |                  |                         |
| <p><b>Notices</b> will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be <b>index linked</b> as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The <b>costs</b> and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p> |                  |                         |

**(C) 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. 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.

3. Prior to the commencement of the development hereby permitted the following details shall be submitted to and approved by the Local Planning Authority in writing:
  - (a) 1:20 sectional details and vertical and horizontal sections through windows and entrances;
  - (b) 1:50 scale drawings of architectural features to include main building entrance feature and viewing platform;

- (c) 1:20 sectional and elevational details of facade/metal screen to middle block of building (front and rear elevations);
- (d) Details of Iron Bridge replica entrance feature into site.

**Reason:** So the Local Planning Authority can be satisfied as to the details of the proposal.

- 4. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

**Reason:** To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

- 5. No development shall take place until a Construction Management Plan has been submitted to and approved by the Local Planning Authority in writing. This plan should include:

- (a) Routing of construction and delivery vehicles to / from the site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel, with the replacement of staff parking for the duration of construction;
- (c) Timing of deliveries;
- (d) Provision of wheel washing facilities;
- (e) Details of site access point(s) for construction;
- (f) Temporary traffic management/signage.

The development should be carried out in accordance with the Construction Management Plan.

**Reason:** In the interests of highway safety and the amenities of neighbouring residents.

- 6. Prior to the use commencing, the vehicle parking spaces shown on drawing number 13.115.51 Rev A shall be provided and permanently retained for the duration of the development.



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

7. Prior to the use commencing, the vehicle loading/unloading and turning facilities shown on drawing number 13.115.52.Rev A shall be provided and permanently retained for the duration of the development.

**Reason:** In the interests of highway safety.

8. Prior to the use commencing, the cycle parking facilities shown on drawing number 13.115.52.Rev A shall be provided and permanently retained for the duration of the development.

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

9. Prior to the use commencing, the access details shown on drawing number 13.115.51 Rev A and drawing number 2905-01 Rev D shall be completed and maintained for the duration of the development.

**Reason:** In the interests of highway safety.

10. Prior to the use commencing, the associated highway works shown on drawing number 13.115.51 Rev A and drawing number 2905-01 Rev D shall be completed and maintained for the duration of the development.

**Reason:** In the interests of highway safety.

11. No development shall take place until details of measures to prevent the discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** So the Local Planning Authority can be satisfied as to the details of the proposal.

12. Prior to the use commencing, details of new pedestrian wayfinding signs signing the proposed Model Railway Education Centre from the International Station shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be provided in situ before the use commences.

**Reason:** To ensure pedestrian legibility across the area in the interests of good planning.

13. No development shall take place until details of a parking management scheme have been submitted to and approved by the Local Planning

Authority in writing. These details should include the provision of a Pay and Display Scheme in which visitors can obtain a refund if they purchase a ticket into the centre. The Pay and Display Scheme shall be implemented prior to the opening of the AIMREC building.

**Reason:** To prevent overspill parking from the Designer Outlet in the interest of the residential amenity of the area.

14. Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

The approved scheme shall thereafter be carried out in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified at least two weeks prior to commencement of the remediation scheme works.

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.

15. 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 requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be

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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. (LDF Core Strategy Policy CS1 and CS4)

16. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area and local residents from light pollution.

17. 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 be in accordance with the approved landscape masterplan (drawing no 3130\_DR\_001). They should 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, picnic area, 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).

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

18. The details of soft landscape works required in condition 17 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.

19. 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.

20. The approved development shall be carried out in such a manner as to avoid damage to the existing trees along site boundaries, 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). 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 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.

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**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.

21. No development shall take place until details of boundary treatment have been submitted to and approved in writing by the Local Planning Authority. This should include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

**Reason:** In the interest of the visual amenity of the area.

22. Prior to development commencing, a scheme for the enhancement of biodiversity on the site in accordance with the general recommendations set out in the Ecological Appraisal (Lloyd Bore) shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity 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

23. The premises shall not be open to the public other than between the hours of 10:00AM – 5:00PM Monday to Sunday with the exception of Christmas Day, Boxing Day and New Year's Day when the premises will be closed.

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

24. The building hereby approved shall be constructed to achieve a minimum Very Good Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall standard comprising the following minimum elements:

- i) 'Excellent' standard in respect of energy credits
- ii) 'Maximum' standard in respect of water credits
- iii) 'Excellent' standard in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

1. Details of a 'Design Stage' assessment and related certification, and,
2. Details of how the development will reduce carbon dioxide emissions to a level 20% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment and related certification confirming the BREEAM standard that has been achieved, and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM (good/very good/excellent) standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

**Reason:** In order to ensure that the energy efficiency through sustainable design and construction is achieved

25. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. This will include a modified surface water drainage strategy which satisfies the requirements of the SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

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Permission for discharging of surface water into the existing public sewer must be obtained by the applicant via written confirmation from Southern Water of their agreement to the proposals.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system 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.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures.

**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.

26. Prior to the commencement of development the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a 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.

**Reason:** Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

27. Prior to the commencement of development the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological interpretation 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 information of railway heritage archaeological interest is properly disseminated in accordance with NPPF.

28. 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.

29. 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.

30. Prior to the external miniature railway being brought into use, the following details shall have been submitted to and approved by the Local Planning Authority in writing and thereafter the development shall only be operated in accordance with the approved details unless the Local Planning Authority has agreed to any variation in writing;-

(i) Days of operation of the miniature railway



- (ii) The times within which the miniature railway will operate during the specified days of operation and the frequency of circuits of the site
- (iii) Details of how the miniature railway rolling stock will be secured from vandalism or miss-use when the premises are closed to the public
- (iv) Details of the proposed miniature locomotive(s) sufficient to establish noise during operation in terms of db(A) SPL at 1 metre from the running train both with and without the operation of any warning horn / whistle

**Reason:** In order to ensure that the operation of the miniature railway has an acceptable relationship with nearby residential uses and as no such fine detail has been submitted with the application.

31. Construction for the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To ensure proper sewerage disposal and avoid pollution of the surrounding area.

### Notes to Applicant

1. The proposed railway along the boundary with Newtown Road will require structural approval as it is within 3.65m of the public highway. The applicant should therefore contact the Structures Team at KCC Highways and Transportation to discuss the proposals in more detail.
2. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation  
web:[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any 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 such 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.

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, Ottersbourne, Hampshire SO21 2SW (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

4. Working with the applicant

In accordance with paragraphs 186 and 187 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 applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- 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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| <b>Application Number</b>      | 14/01456/AS  |  |
| <b>Location</b>                | Land adjoining 1 Willesborough Court, Blackwall Road South, Willesborough, Kent                        |  |
| <b>Grid Reference</b>          | 03517/42590  |  |
| <b>Parish Council</b>          | None   |  |
| <b>Ward</b>                    | North Willesborough (Ashford)  |  |
| <b>Application Description</b> | Erection of 34 dwellings to include car parking, new access, landscaping and associated infrastructure |  |
| <b>Applicant</b>               | Barratt Homes, Weald House, 88 Main Road, Sundridge, Kent TN14 6ER                                     |  |
| <b>Agent</b>                   | Ian Bull Consultancy Ltd, 1 Mountbatten Way Brabourne Lees Ashford.                                    |  |
| <b>Site Area</b>               | 1.3 hectares   |  |
| <br>                           | (a) 50/16R   | (b) (c) KHS R, EA X, SWS X, NE X<br>POL X, EHM X, EA X, PO X,<br>PCT X, HM X, KCC(DCU) X<br>SSOS X; KWT X, SW X,,<br>PO (Drainage) R, NE X,<br>KCC (FRO) X, RSDB X,<br>EHM (EP) X, WCF X |
| <br>                           | <u>Amends 50/2R</u>  | KHS R EA X, HM X,<br>KCC (EDU) X, KCC(FRO)<br>PO (Drainage) X  |

The Principal Strategic Sites Planner & Urban Designer drew Members' attention to the Update Report. 4 further representations had been received by neighbours, raising the same points already covered in the report. Southern Water reconfirmed their comments made in a previous response regarding foul and surface water sewerage disposal. There were two proposed additional Conditions and a proposed additional Note to Applicant.

In accordance with Procedure Rule 9.3, Ms Dunn, on behalf of the Applicant, spoke in support of the application. The report summarised the key policy considerations and consultee comments received. Work had been undertaken following the initial submission in response to both the drainage officer and the KCC Highways Officer comments. They were happy to accept the condition in relation to plot 9 and the additional conditions mentioned earlier. The site in question was allocated in the Urban Sites and Infrastructure DPD, so the principle of development was already established. Although the DPD allocated a site for up to 40 dwellings, in order to accommodate highway, drainage and landscaping requirements, as well as feedback received, the application now comprised 34 open market and affordable dwellings. The design was high quality in terms of layout, design and materials and in keeping with the surrounding area. All of the dwellings proposed met all technical standards as well as Ashford and national space standards. The row of poplars was a prominent feature of the site, but, as mentioned in the Officer's report, they were not conducive to development and could not be retained. However the landscaping scheme mitigated against the loss. It was also believed that the correct balance between landscaping and car parking provision had been achieved. A drainage strategy had been developed for the site, which would provide a considerable betterment to the current situation. Throughout the application there had been engagement with the local residents, including a public exhibition and meeting with residents on separate occasions. Subject to KCC Highways approval, BDW Kent would be happy to fund both the extension of the 30 mph speed limit, as well as yellow lines. In conclusion, this was a well-designed scheme, which had taken on board feedback and comments. It would provide a number of benefits to the local area, much needed family homes, the full policy requirement of affordable homes as well as contributions of over half a million pounds towards education, health care, highways and open space. Ms Dunn urged Members to approve this application.

**Resolved:**

- (A)** Subject to the applicant first entering into a Section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Joint Development Control Managers in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development, Strategic Sites and Design or the Joint Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional conditions or deleting conditions), as they see fit.
- (B)** The applicant entering into a section 278 agreement in relation to the SPG6 payments

Table 1

| <b>Planning Obligation</b> |   |  |  |
|----------------------------|---|--|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>  |
| 1.                         | <p>Affordable Housing</p> <p>Provide not less than 30% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p> | <p><b>10</b> affordable dwellings</p> <p><b>4</b> shared ownership units</p> <p><b>6</b> Affordable Rented</p> | <p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p> |
| 2.                         | <p>Allotments</p> <p>Contribution towards provision of 0.33 ha of allotments and ancillary facilities at Lower Vicarage Road</p>  | <p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>                             | <p>Upon occupation of 75% of the dwellings</p>   |

| <b>Planning Obligation</b> |  |   |   |
|----------------------------|--|---|---|
|                            | <b>Detail</b>  | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>   |
|                            | Ashford and maintenance thereof  |   |   |
| 3.                         | Carbon Off-Setting Contribution<br><br>Contribution for funding carbon savings (excluding infrastructure) based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years | To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD  | Payable on the occupation of each dwelling or building  |
| 4.                         | Children's and Young People's Play Space<br><br>Contribution towards provision of provision of new natural play area at Hythe Road Recreation Ground   | £649 per dwelling for capital costs<br><br>£663 per dwelling for maintenance  | Upon occupation of 75% of the dwellings   |
| 5.                         | Health Care (TBC)<br><br>Contribution towards healthcare centres/surgeries in the area   | £504 for each 1-bed dwelling<br>£720 for each 2-bed dwelling<br>£1008 for each 3-bed dwelling<br>£1260 for each 4-bed dwelling<br>£1728 for each 5-bed dwelling or larger | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |

| <b>Planning Obligation</b> |   |   |  |
|----------------------------|---|---|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>  |
|                            |   | £0 for any affordable units   |  |
| 6.                         | <p>Informal/Natural Green Space</p> <p>Contribution towards provision of Public access project in Hythe Road Recreation Ground – to comprise installation of all weather routes across the site and to the play area with associated landscape improvements including planted and paved resting and picnic area for the disabled.</p> | <p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>   | Upon occupation of 75% of the dwellings  |
| 7.                         | <p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>  | £1000 per annum until development is completed  | First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment) |
| 8.                         | <p>Outdoor Sports Pitches</p> <p>Contribution towards provision of either</p>   | <p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p> | Upon occupation of 75% of the dwellings  |

| <b>Planning Obligation</b> |  |   |   |
|----------------------------|--|---|---|
|                            | <b>Detail</b>  | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>   |
|                            | new all-weather MUGA at Hythe Road   |   |   |
| 9.                         | Primary Schools<br><br>Contribution towards additional primary school places at North Willesborough/ Kennington with new build Primary School  | <b>4000</b> per House   | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 10.                        | Secondary Schools<br><br>Contribution towards the 3 classroom extension to Kingsdown block at Highworth School, Ashford.   | <b>£2359.80</b> per per house   | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 11.                        | Strategic Parks<br><br>Potentially applicable to all residential developments<br><br>•Contribution towards Provision of controlled public access through ecologically sensitive area of park , connecting the new development with the Stour Valley walk via a new bridge. | £146 per dwelling for capital costs<br><br>£47 per dwelling for maintenance | Upon occupation of 75% of the dwellings   |



| <b>Planning Obligation</b> |   |                               |  |
|----------------------------|---|-------------------------------|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>              | <b>Trigger Point(s)</b>                    |
| 12.                        | Libraries<br>Contribution towards:<br>bookstock at Ashford<br>Library for the initial<br>impact of new<br>residents of this<br>development. | Library bookstock<br>£1632.54 | Upon occupation<br>of 75% of the dwellings |

### **(C) 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.

#### Material and details

2. 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

3. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

4. Details of the substation adjacent to the rear of units 3 and 5 shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and installed in accordance with the approved details.

**Reason:** The details have not been provided and in the interests of visual amenity

5. Details of the method of bin storage and transfer for collection at the front of the property for unit 9 as shown on the approved plans shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and shall be installed and thereafter maintained in accordance with the approved details

**Reason:** In the interests of good bin storage and collection.

6. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

**Reason:** for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with Policies of the Borough/District Council's Core Strategy Plan (dated, page, section) and the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013

7. Details of final levels for the development including slab levels of the building shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

**Reason:** In the interests of the visual amenity of the surrounding area

### **Highways and Parking**

8. The area shown on the drawing number W003/01W as vehicle parking space, garages, turning and loading and off-loading space shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority 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 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

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9. The vehicle turning area (s) hereby approved shall be provided prior to the development to which it relates being occupied or brought into use and thereafter the area(s) shall be retained available for this purpose.

**Reason:** So that vehicles may enter and leave the site in a forward gear in the interests of highway safety

- 10 The occupation of the development authorised by this permission shall not begin until:
- a. the Local Planning Authority has approved in writing a full scheme of works for the extension of the double yellow lines along Blackwall Road South up to the junction with Blackwall Road North

and

- b. the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority;

unless alternative arrangements to secure the specified works have been approved in writing by the local planning authority.

**Reason:** In the interests of Highways Safety

- 11 The occupation of the development authorised by this permission shall not begin until:
- a. the local planning authority has approved in writing a full scheme of works for the extension of the 30mph limit up to the junction of Blackwall Road South and North

and

- b. the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority;

unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

**Reason:** In the interests of Highways Safety

- 12 No development shall take place until details of the bicycle storage facilities showing a covered and secure space for each dwelling have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of each dwelling 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

- 13 Before the first occupation of each dwelling the following works between that dwelling and the road serving the dwelling shall be completed as follows:
- (a) Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - (b) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - 1. highway drainage, including off-site works,
    - 2. junction visibility splays,
    - 3. street lighting, street nameplates and highway structures if any.

The final wearing course shall be applied within 1 year of the occupation of the dwelling unless otherwise agreed by the Local Planning Authority in writing.

Where the road serving the dwelling is not proposed for adoption by the highway authority, a future maintenance regime (including a timetable for its implementation, responsible persons and clear funding proposals) shall be submitted to and approved by the LPA in writing before occupation of the first dwelling. The development shall then be carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA

**Reason:** In the interests of highway safety and the amenity of residents

#### Landscaping

- 14 No development shall take place until full details of both hard and soft landscape works including within the on-site open space 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

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- 15 The details of soft landscape works required in condition 14 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.

- 16 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

- 17 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 and on-site open space 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.

#### Environmental Protection

- 18 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. (LDF Core Strategy Policy CS1 and CS4)

- 19 Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval 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)

- 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
- 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 local residents

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### Archaeology

- 20 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.

### Drainage

- 21 No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water based on the principles & Calculations set out in the submitted documents approved in writing by the Local Planning Authority and based on the principles identified in the following drawings;

- Drainage Strategy Drawing – Rev D – Drawing Number 11313-CIV-500 – July 2015
- Planning Layout Drawing Rev W – Dated 13th January 2016.

The final drainage plan and strategy for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately. The final surface water design should be in accordance with Ashford Borough Council's Sustainable Drainage SPD providing a site runoff rate of no greater than 4l/s/ha.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Surface water runoff generated by the site should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council, this includes any new outfall structures. Suitable access should be provided to any new structures to allow for any ongoing maintenance of the structure to be completed in a safe manner.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall be provided in accordance with the approved timetable. The approved system 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.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures.

**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.

- 22 Details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the Local Planning Authority prior to the commencement of works in consultation with Southern Water and shall be installed in accordance with the approved details.

**Reason:** In the interests of providing sewerage disposal for the development.

Restrictions to development/ use

- 23 Before the first occupation of the building hereby permitted the windows at Plot 22 ensuite bathroom south elevation shall be fitted with obscure glazing, fixed shut and shall be permanently retained in that condition thereafter.

**Reason:** In the interests of the residential amenities of adjacent dwellings

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be constructed in the following elevation(s) of the buildings

Plot 21 and plot 22 south elevation.

other than as hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the amenity of occupants of the adjoining property

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any



subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the car barns shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further alterations/ doors without the prior permission of the Local Planning Authority in writing.

**Reason:** To ensure the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking

Sustainable design and construction

- 27 The development shall be carbon neutral. Each dwelling hereby approved shall be constructed and fitted out so that:
- a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State;
  - b) carbon emissions are reduced by 15% through Low and Zero Carbon Technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following details for those dwellings have been submitted to and approved in writing by the Local Planning Authority:

- a) Standard Assessment Procedure ("SAP") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed.
- b) Details of the LZC technologies to be used to achieve the 15% reduction in carbon emissions.

The development shall be carried out in accordance with the approved details. The approved LZC technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling 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.

No dwelling shall be occupied unless the notice for that dwelling required by the Building Regulations 2010 (as amended) of the potential consumption of wholesome water per person per day has been given to the Local Planning Authority

**Reason:** In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features

and on-site low and/or zero carbon technologies and (iii) 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 advice in the NPPF.

#### Ecology

- 28 Details of the measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works and shall be implemented prior to occupation of the development and thereafter maintained

**Reason:** In order to enhance biodiversity of the site in accordance with the NPPF and Core Strategy Policy CS11.

- 29 Prior to occupation of the first dwelling, interpretation boards and a dog waste bin shall be provided at the entrance to the adjoining Local Wildlife Site, Willesborough Lees and Flowergarden Wood in accordance with details submitted to and approved by the Local Planning Authority in consultation with Kent Wildlife Trust and thereafter maintained in accordance with the approved details.

**Reason:** To help provide information for local residents and users of the wildlife site to help deal with recreational pressures in the interests of nature conservation.

- 30 Prior to occupation of the first dwelling details of a residents 'information pack in respect of the use of the adjoining Local Wildlife Site, Willesborough Lees

and Flowergarden Wood shall have been approved by the Local Planning Authority in consultation with Kent Wildlife Trust. The residents' information pack shall comprise the following:-

- (a) Details of domestic pet predation, dog litter and associated implications on the Local Wildlife Site in general and the reason behind the designation.

The residents' information pack shall be provided to each household on its first occupation.

**Reason:** To help provide information on the local wildlife site and impacts on its use for the residents to help deal with recreational pressures in interests of nature conservation.

- 31 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.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Schedule 2, Part 1 and Class A of that Order (or any Order revoking and re-enacting that Order), without the prior approval of the Local Planning Authority.

**Reason:** To ensure against inappropriate extensions being created to homes and thus protect the character and amenities of the locality.

### Notes to Applicant

1. Prospective purchasers of homes should note that (i) the applicant has identified that the street system shown on the approved plans will not be offered to Kent County Council for adoption as public highway and that, in such a scenario, (ii) condition 13 of this permission requires the submission of details of the future maintenance regime for roads to be submitted for approval of the Local Planning Authority. These details are required to be approved in writing by the Local Planning Authority before the occupation of the first dwelling and are required to include a timetable for implementation, details of responsible persons involved with the future maintenance of roads and clear funding proposals. Prospective purchasers of homes are advised to fully understand and take these future maintenance matters into account in

deciding whether to purchase homes authorised by the grant of this permission.

2. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
3. Working with the applicant

In accordance with paragraphs 186 and 187 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 applicant/ agent responded to our initial contact, and by submitting amended plans, which were found to be acceptable and permission was granted
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service the development and should contact Southern Water, Sparrowgrove House, Sparrowgrove Otterbourne, Hampshire SO21 2SW (tel 0330 303 0119) [www.southernwater.co.uk](http://www.southernwater.co.uk) ,
  5. The site and adjacent land appears to be located within the River Stour Internal Drainage District, where any watercourse would be classed as an

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'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010), whereupon any culvert, diversion, weir dam or like obstruction to the flow of the watercourse requires the consent of the River Stour Internal Drainage Board, under the Land Drainage Act 1991. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Application for consent should be made to the River Stour Internal Drainage Board (Tel: 01227 462 377; enquiries@riverstouridb.org.uk.www.riverstouridb.org.uk

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|--------------------------------|---|
| <b>Application Number</b>      | 14/01116/AS   |
| <b>Location</b>                | Pluckley Brickworks, Station Road, Pluckley, Kent   |
| <b>Grid Reference</b>          | 91862/43408   |
| <b>Parish Council</b>          | Pluckley  |
| <b>Ward</b>                    | Weald Central   |
| <b>Application Description</b> | Proposed development of 25 dwellings and new access   |
| <b>Applicant</b>               | Crabtree & Crabtree (Pluckley) Limited, c/o BDB Design LLP, Church Barn, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP |
| <b>Agent</b>                   | Mr M Drury, BDB Design LLP, Church Barn, Milton Manor Farm, Ashford Road, Canterbury, Kent, CT4 7PP                                 |
| <b>Site Area</b>               | 8.2ha   |

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|                    |       |   |
|--------------------|-------|---|
| (a) 33/3+, 6S, 29R | (b) R | (c) KH&T - +<br>EH(EP) - +<br>HM - +<br>KCC - +<br>NHS -<br>Cult - +<br>SWS - +<br>EA - X<br>PO (Drainage) - +<br>WKPS - S<br>KWT - R<br>CPRE - S |
| (a) 33/2+, 11R     | (b) R | (c) KH&T - +<br>KCC - +<br>EA - X<br>PO (Drainage) - +<br>SWS - +<br>WKPS - R<br>NE - +<br>Cult - +   |
| (a) 33/1+, 2S, 6R  | (b) - | (c) KH&T - +<br>KCC - +<br>EA - +<br>NE - +<br>EH - +<br>PO (Drainage) - +<br>SWS - +<br>WKPS - R   |
| (a) 33/7R 1+       | (b) S | (c) EA - +<br>EH(EP) - +<br>NE - +<br>Cult - R<br>PO (Drainage) - +<br>SWS - +<br>KWT - +   |

The Joint Development Control Manager drew Members' attention to the Update Report, which included an amendment to the number of neighbour objections and further comments from the Weald of Kent Protection Society and the Campaign to Protect Rural England.

In accordance with Procedure Rule 9.3, Mr Drury, the agent, spoke in support of the application. He said his client had bought this site in April 2012 and had appointed Mr Drury as agent to prepare residential redevelopment proposals. The Council's

advice at that time was to see how much support there was in the local community for redevelopment of the site. Following initial meetings with the Parish Council and Council Officers, an application was submitted in August 2014 for 52 houses, business units and a car park. The views of residents were mixed and split between support and opposition. The main concerns were the car parking arrangements and the scale of the development. At that time work started on a Neighbourhood Plan for Pluckley and it became clear that the community shared a common purpose with the agent for redevelopment of the site; firstly to do away once and for all with the danger of converting the site to industrial use; and secondly, to provide village housing of the right type and number. The Parish Council and Neighbourhood Plan Steering Group were keen to see as few houses as viable on the site, and therefore no affordable housing was included in the application. A viability study was submitted to the Council, and was audited. The revised plan and outline application was produced in partnership for 25 high quality homes, some of which had been identified for downsizing. The idea of the public car park had been dropped and there were no new business units proposed, and station garage would remain in its original usage, albeit with new tenants. Mr Drury commended the Officer's report, which he considered comprehensive and fair.

In accordance with Procedure Rule 9.3, Mr Newman, on behalf of Pluckley Parish Council, spoke in support of the application. This site had been used for nearly 30 years. The lake was used by parishioners as a leisure amenity, and the area had become a natural habitat for several special species. The Parish would like it to remain as a nature reserve. However, part of the site was heavily polluted and it did have an outstanding licence for waste disposal. There had been several contentious previous applications and this was a sensitive site. The process of the application had coincided with the preparation of the Neighbourhood Plan which had given the opportunity for residents to express their views. The overall consensus was that a limited amount of housing was preferable to any industrial use. It was important that any development should be proportionate to the size of the hamlet. A compromise had been reached to deliver 25 dwellings, contained in the old works area, which offered protection to the habitats and the leisure use of the rest of the site and the adjoining field. Four of the homes were smaller and suitable for downsizing for elderly residents. There would be other sites in the Parish, supported in the Neighbourhood Plan, which would also meet this need, as well as the need for starter homes. Most residents felt that this solution removed the threat of future industrial use, cleaned up an ugly area and was appropriate to the size of this small area of the Parish. Mr Newman thanked Officers who had drawn up the conditions which offered the protection the Parish was seeking, so that the Parish Council now felt able to support this application, which was reflected in the draft Neighbourhood Plan. Mr Newman said the Parish Council asked Members to support this application.

**Resolved:**

**(A) Subject to the applicant entering into a Section 106 agreement/undertaking in respect of planning obligations related to**

**a. Carbon off-setting**

- b. Children's play space
- c. Sports (outdoors)
- d. Secondary education
- e. Libraries
- f. Social care
- g. Community learning
- h. Youth
- i. Extension to village hall
- j. Monitoring fee

as detailed in Table 1, in terms agreeable the Strategic Sites and Design Manager or the Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Joint Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit:

Table 1

|    | Planning Obligation   |                  |   |
|----|---|------------------|---|
|    | Detail  | Amount(s)        | Trigger Point(s)                          |
| 1. | <p><b><u>Outdoor sports pitches</u></b></p> <p>Contribution towards repairs to the surround fencing of the tennis courts at the Recreation Ground</p> | £52 per dwelling | Before completion of 75% of the dwellings |
| 2. | <p><b><u>Children's and young people's play space</u></b></p> <p>Contribution towards the installation of junior football</p>                         | £24 per dwelling | Before completion of 75% of the dwellings |



| <b>Planning Obligation</b> |  |  |   |
|----------------------------|--|--|---|
|                            | <b>Detail</b>  | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>   |
|                            | goalposts on the Recreation Ground   |  |   |
| 3.                         | <p><b><u>Carbon off-setting</u></b></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years. In the first instance to go towards cladding the village hall to improve its thermal efficiency or then on any other carbon savings scheme the Council may identify</p> | To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD | Payable on the occupation of each dwelling  |
| 4.                         | <p><b><u>Secondary education</u></b></p> <p>Contribution towards the Highworth school phase 2 expansion</p>  | £2359.80 per dwelling  | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 5.                         | <p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock at libraries in the borough (excluding infrastructure)</p>   | £223.27 per dwelling   | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of               |

| <b>Planning Obligation</b> |   |  |   |
|----------------------------|---|--|---|
|                            | <b>Detail</b>   | <b>Amount(s)</b>                               | <b>Trigger Point(s)</b>   |
|                            |   |  | the dwellings   |
| 6.                         | <b><u>Adult social care</u></b><br><br>Contribution towards funding additional adult social care staff in the borough   | £77.58 per dwelling                            | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 7.                         | <b><u>Community Learning</u></b><br><br>Contribution towards community learning services in the area (excluding infrastructure)   | £34.45 per dwelling                            | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 8.                         | <b><u>Youth services</u></b><br><br>Contribution towards youth services in the area (excluding infrastructure)  | £63.12 per dwelling                            | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings |
| 9.                         | <b><u>Extension to village hall</u></b><br><br>Contribution towards an extension to the village hall to provide a new foyer entrance and toilets, including a disabled toilet | £2165.78 per dwelling                          | Before completion of 75% of the dwellings   |
| 10.                        | <b><u>Monitoring Fee</u></b><br><br>Contribution towards the Council's costs of monitoring compliance with the  | £1000 per annum until development is completed | First payment upon commencement of development and on the anniversary   |

| <b>Planning Obligation</b>   |                          |                  |                             |
|--|--------------------------|------------------|-----------------------------|
|  | <b>Detail</b>            | <b>Amount(s)</b> | <b>Trigger Point(s)</b>     |
|  | agreement or undertaking |                  | thereof in subsequent years |
| <p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <u>council web site</u> (from the date of the committee resolution in relation to the extension to village hall contribution) in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p> |                          |                  |                             |

**(B) Permit**

Subject to the following conditions and notes:

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The details submitted pursuant to Condition 1 of this permission shall show dwellings sited on the previously developed part of the site as per approved Drawing No. 2294 – 10 Revision E and that are a maximum 2-storey height and form and where second floor accommodation is proposed, this must be provided wholly within the roof space. The details shall also show how each dwelling accords with the Technical housing standards – nationally described space standard, the Council's adopted Residential Space & Layout SPD or any other standard adopted by the Local Planning Authority.

**Reason:** To ensure that the siting and scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future occupiers.

4. Written details 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 only be carried out using the approved external materials.

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

5. A masterplan setting out:

- a. the dwelling types;
- b. the dwelling mix (showing a minimum of 4 2/3 bed dwellings) and associated residential floorspace per dwelling;
- c. location of the public open space; and
- d. the location of SUDS features

shall to be submitted pursuant to Condition 1 of this permission and the development shall be carried out in accordance with the approved masterplan unless reserved matters approval is granted for other details.

**Reason:** To ensure that the type, mix and associated quantum of residential floorspace is appropriate for the site and is in accordance with good place making principles (including acceptable sustainable drainage, space standards and parking provision).

6. Prior to the commencement of the development, full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved in writing by the Local Planning Authority. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent

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Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

**Reason:** To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

7. Prior to its erection on site, details of any external lighting proposed (including height, design, location, intensity and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in strict accordance with the approved details and thereafter maintained. No external lighting shall be installed on the site other than that approved without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential 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 and Class A of Part 2 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as a single dwelling house as described by Use Class C3 of the Town and Country Planning Use Classes Order 2015.

**Reason:** To ensure that car parking provided within the development remains adequate to meet the needs of the occupiers of the development and to protect the amenities of future occupiers of the development.

10. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface and foul water based on the principles and calculations set out in the following application documents and in line with the Council's Sustainable Drainage SPD (providing a site runoff rate of no greater than 4l/s/ha) shall be submitted to and approved in writing by the Local Planning Authority.

- Flood Risk Assessment by RMB Consultants (Civil Engineering) Ltd. dated August 2014;
- Foul Drainage Assessment and Surface Water Management Plan by RMB Consultants (Civil Engineering) Ltd. dated August 2014; and,

- Section 3.3 page 19 of Design and Access Statement by BDB Designs dated July 2014.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted system shall include:

- the retention or storage of surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology; and,
- the identification of proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be maintained in accordance with the approved details.

**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.

11. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

12. 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

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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.

13. The details submitted pursuant to Condition 1 of this permission shall include plans and particulars of the future management and maintenance of all parts of the site except for dwellinghouses (including their gardens and drives) and roads. The details submitted shall in particular identify who will be responsible for future management and maintenance. Where it is intended to transfer the ownership of specified land to another person for management and maintenance, the details shall include a timetable for the transfer (by reference to the occupation of a certain number of dwellings) and written confirmation from that party that they agree to the transfer. Where it is not intended to transfer land to another person, details shall be included to demonstrate that (i) sufficient financial resources will be available to fund the future management and maintenance and (ii) sufficient access rights have been reserved. The details submitted shall also identify the parts of the site where public access and recreational use will be allowed and shall include the arrangements for such access and use.

The development shall be carried out in accordance with the approved plans and particulars. Where there is an approved timetable for transfer of ownership of land, no more than the number of dwellings specified may be occupied until the relevant land has been transferred. The site shall be maintained and managed in accordance with the approved details. The parts of the site which are identified as such in the approved details shall be available for the public to access and use in accordance with the approved details.

**Reason:** To ensure the site is properly maintained in the interest of the amenity of the area.

14. No development shall take place until full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas, including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. The development shall only be carried out in accordance with the approved details.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in

accordance with the details required to be submitted in accordance with Condition 1 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

**Reason:** To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking.

16. Details of motor vehicle parking facilities (that accords with the Council's adopted Residential Parking & Design Guidance SPD or any other standards adopted by the Local Planning Authority and clearly shows which spaces relate to which unit as well as those that are communal / visitor spaces) shall be submitted to and approved in writing by the Local Planning Authority at the same time as the submission of details pursuant to Condition 1. The approved facilities shall be provided prior to the development to which they relate being occupied. Thereafter, the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.

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

17. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot, in accordance with approved details that shall be submitted to and approved in writing by the Local Planning Authority at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall thereafter be retained in perpetuity.

**Reason:** To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

18. Prior to works commencing on site, details of parking for site personnel as well as details of loading/unloading 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.

19. 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



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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.

20. The first 5m of the access from the edge of the highway shall be constructed of a bound surface, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The access shall then be constructed in accordance with the approved detail prior to its first use and maintained as such.

**Reason:** To ensure that no gravel 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.

21. No works associated with the construction of the dwellings hereby approved and associated hardstanding shall begin on site until the approved access has been constructed, where the visibility splays shown on Drawing No. 353/105 received 03/03/16, within which there shall be no obstruction in excess of 1.05m in height above the carriageway edge, shall be provided and the splays shall be so maintained at all times. Thereafter, construction traffic shall only use this access during the remainder of the construction of the development.

**Reason:** In the interests of preventing damage to TPO trees through the use of the existing access and highway safety.

22. Prior to the commencement of development, details of traffic calming measures along Station Road where appropriate, for example the provision of double yellow lines at the junction of the new access road with Station Road and to the access road shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved plans prior to the first occupation of the dwellings, with the approved traffic calming measures remaining in situ.

**Reason:** In the interests of highway safety.

23. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To avoid pollution of the surrounding area.

24. Prior to the commencement of development, detailed sound calculations from noise from the adjacent railway line and a scheme for protecting the dwellings/development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

**Reason:** In order to protect the occupiers of the dwellings from undue disturbance by noise.

25. Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken, including the proposed remediation objectives and performance criteria, a schedule of works and site management protocols and include the following components to deal with the risks associated with contamination of the site:
- a. A preliminary risk assessment which has identified:
    - i. all previous uses
    - ii. potential contaminants associated with those uses
    - iii. a conceptual model of the site indicating sources, pathways and receptors
    - iv. potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c. The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

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The approved scheme shall thereafter be carried out in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified at least two weeks prior to commencement of the remediation scheme works.

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.

26. 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 requirements of condition 25 and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 25 and completed before the occupation of any dwellings.

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 (LDF Core Strategy Policy CS1 and CS4).

27. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** To protect controlled waters and comply with the NPPF.

28. The development shall be carried out in accordance with the recommendations in the approved Ecological Appraisal and associated Figures and Appendices dated August 2014, letter containing supplementary information by Bioscan dated 14/10/14 and letter re: great crested newt and

reptile translocations dated 03/03/16 and any license issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

**Reason:** To protect existing populations of protected species on the site.

29. Prior to the commencement of the development hereby approved, specific details of the habitat to replace the open mosaic habitat for invertebrates and BAP habitats as recommended in the approved Ecological Appraisal and associated Figures and Appendices dated August 2014 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority and the approved replacement habitats shall remain in situ.

**Reason:** To protect existing populations of protected species on the site.

30. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity of the site, including the provision of bat and bird boxes, the use of native species in landscaping and the incorporation of features beneficial to wildlife such as green corridors, ponds and swales and wildflower planting corridors wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details with any amendments agreed in writing.

**Reason:** In the interests of enhancing the biodiversity of the site.

31. No development shall take place until an arboricultural impact assessment, tree protection plan and method statement have been submitted to and approved in writing by the Local Planning Authority pursuant to condition 1. The development shall only then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of tree preservation and amenity.

32. Any existing hedges or hedgerows shall be retained, unless shown on the approved drawings or reserved matters approval as being removed. Any existing hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be

replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or hedgerows.

33. 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 arboricultural impact assessment, tree protection plan and method statement pursuant to condition 16. 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.

34. In this condition, "retained tree" means an existing tree that is to be retained in accordance with the approved plans and particulars and reserved matters approval and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the approved dwellings:
- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority;
  - b) if any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority; and,
  - c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations of BS5837 (2005) and the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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

35. Prior to works commencing on site, details of the form and location of any proposed temporary works compounds shall have been submitted to and approved in writing by the Local Planning Authority and thereafter such compounds shall only be provided in accordance with the approved details.

**Reason:** To ensure that the location of any necessary compounds is appropriate in terms of their impact upon trees and protected species.

36. Before any construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:
- Code of Construction Practice;
  - hours of working for construction;
  - the management and location of utility services within the development; and,

- the routing of construction vehicles and the provision of appropriate signage.

These matters approved shall then be implemented as approved.

**Reason:** To ensure the protection of amenity during and following development.

37. Each dwelling shall be constructed so that carbon emissions are reduced by 10% through Low and Zero Carbon (“LCZ”) technologies once energy efficiencies have been applied.

Unless otherwise agreed in writing by the Local Planning Authority, no work on each dwelling shall commence until the following details for that dwelling has been submitted to and approved in writing by the Local Planning Authority:

- a) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed
- b) Details of the LZC technologies to be used to achieve the 10% reduction in carbon emissions

The development shall be carried out in accordance with the approved details.

The approved LZC technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling 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.

**Reason:** In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) 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 advice in the NPPF.

38. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State.

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF.

### Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 2<sup>nd</sup> October 2014.
3. The applicant is advised that formal agreement with Southern Water is required to provide the necessary sewerage infrastructure required to service the development.
4. Working with the applicant

In accordance with paragraphs 186 and 187 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 applicant/ agent responded by submitting amended plans and additional information, which were found to be acceptable and permission was granted; and,
  - 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 Rosie Reid:

Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk).

Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)