

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18<sup>th</sup> May 2016**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Wedgbury (Vice-Chairman);

Cllrs. Apps, Bennett, Mrs Blanford, Bradford, Clarkson (ex officio), Clokie, Farrell, Galpin, Heyes, Krause, Link, Murphy, Ovenden, Powell, Waters.

In accordance with Procedure Rule 1.2 (iii) Cllr Krause attended as Substitute Member for Cllr Dehnel.

### Apologies:

Cllr. Dehnel.

### Also Present:

Cllrs. Bartlett, Smith.

Joint Development Control Manager, Strategic Applications Team Leader, Head of Planning and Development, Chilmington and Design Team Leader, Head of Development Delivery, Graduate Planner, Local Transport and Development Planner (Kent Highway Services), Principal Solicitor (Strategic Development), Member Services and Scrutiny Support Officer.

## 437 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he lived in Sevington, at 'Imber' in Cheesemans Green Lane. He had attended a meeting with officers to discuss the application, and attended a number of meetings regarding Junction 10a,	439 – 14/00906/AS
	And	
	Made a Voluntary Announcement as he was a Governor of the East Kent University Hospitals Foundation NHS Trust, which operated the William Harvey Hospital, which was referenced in the report.	439 – 14/00906/AS

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- Bennett Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.
- Mrs Blanford Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society who had not commented on any item on the agenda
- And
- Made a Voluntary Announcement as she was a member of the Campaign to Protect Rural England 439 – 14/00906/AS
- Bradford Made an Announcement of lack of objectivity as he worked with the Boy Scouts. He would leave the Chamber for the discussion and vote (and he did so). 439 – 16/00231/AS
- Burgess Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.
- Clarkson Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda,
- And
- Declared an Other Significant Interest and he was one of two next-door-neighbours to the application site. He would speak on the item and leave the Chamber for the discussion and vote (and he did so). 439 – 16/00231/AS
- Clokie Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society, who had not commented on any item on the agenda.
- Galpin Made a Voluntary Announcement as he was a Member of the Economic Development Group of the Kent Invicta Chamber of Commerce, who had responded to the application, but he had no personal interest, 439 – 14/00906/AS

And

	Made a Voluntary Announcement as his son was employed by Kent Invicta Chamber of Commerce.	439 – 14/00906/AS
Ovenden	Declared a Disclosable Pecuniary Interest as he was the applicant and the site belonged to him. He would leave the Chamber for the discussion and vote (and he did so).	439 – 16/00306/AS
Powell	Made a Voluntary Announcement as he worked for a direct competitor of the applicant company, AXA Real Estate.	439 – 14/00906/AS
Wedgbury	Made a Voluntary Announcement as he was a member of Kingsnorth Parish Council which was an adjoining Parish Council.	439 – 14/00906/AS

## 438 Minutes

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> April 2016 be approved and confirmed as a correct record.**

## 439 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>	15/01677/AS
<b>Location</b>	Hillside Lime Works, Pilgrims Way, Brabourne, Kent
<b>Grid Reference</b>	610325 /142327
<b>Parish Council</b>	Brabourne
<b>Ward</b>	Saxon Shore
<b>Application Description</b>	Demolition of existing agricultural buildings and erection of new single storey building to comprise new dwelling with associated garden and parking
<b>Applicant</b>	Mr R Wood c/o agent
<b>Agent</b>	Mrs J Scott, Hobbs Parker Property Consultants, Romney House, Monument Way, Orbital Park, Ashford TN24 0HB
<b>Site Area</b>	00.10ha
(a) 3/ 1R 1+	(b) Brabourne X (c) ESM X, KCC Ecology X

A Site Visit had been held earlier in the day.

The Joint Development Control Manager drew Members' attention to the Update Report, and advised Members on the additional information in relation to the current policy position. She explained in detail why her Recommendation remained unchanged in this case notwithstanding a recent Appeal decision in Tenterden.

In accordance with Procedure Rule 9.3, Ms Scott, the agent, spoke in support of the application. The application site comprised a pair of closely-related agricultural buildings within an established line of existing residential dwellings which would benefit from permitted development rights for a business or retail use under the prior notification system. However the adjoining property, Longwood, had a right of access over the existing farm access track which also served the buildings, and given the relationship between these buildings, a business or retail use was considered less appropriate than a residential use. Replacement was sought with a single-storey, modest residential dwelling reflecting the character and scale of the existing buildings and constructed on the same footprint, with the exception of a small glazed link between the two buildings. This glazed link retained the appearance of a gap. These proposals differed considerably from the 2011 appeal proposals on this site as there were clear plans of a modest replacement building, the grazed field was retained between the buildings and the road, and a private hedged rear garden was provided ensuring all domestic use was to the rear and

hidden behind the new dwelling. The Council could attach a condition removing permitted development rights and ensuring continued control for the future. The NPPF introduced a more positive approach to rural development, recognising a need for more housing in rural areas and encouraging agricultural building conversions for a variety of uses, even within areas of outstanding natural beauty. This modest replacement scheme was supported by both Brabourne Parish Council and the Ward Member.

## Resolved

### (A) Permit

### (B) Subject to such conditions and notes as the Head of Development, Strategic Sites and Design or the Joint Development Control Manager consider appropriate.

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<b>Application Number</b>	14/00906/AS
<b>Location</b>	Land on the north side of Highfield Lane, Sevington
<b>Grid Reference</b>	04000/41000
<b>Parish Council</b>	Mersham with Sevington
<b>Ward</b>	Weald East
<b>Application Description</b>	Development to provide an employment led mixed use scheme, to include site clearance, the alteration of highways, engineering works and construction of new buildings and structures of up to 157,616 sq m comprising: up to 140,000 sq m Class B8 (storage and distribution) use; up to 23,500 sq m of B1a/B1c Business (of which a maximum of 20,000 sq m of B1a); up to 15,000 sq m of B2 (general industry); up to 250 sq m of A1 (retail shops) and 5,500 sq m of sui generis to accommodate Kent Wool Growers together with ancillary and associated development including utilities and transport infrastructure, car parking and landscaping.
<b>Applicant</b>	Friends Life Limited
<b>Agent</b>	Mr Will Edmonds, Montagu Evans LLP, 5 Bolton Street, London, UK, W1J8BA
<b>Site Area</b>	47.75 ha

Application as deposited 2014

- |               |       |   |
|---------------|-------|---|
| (a) 548/ 105R | (b) R | (c) River Stour IDB X, HE +, KH&T +, SGN X, NR X, HS1 X, English Heritage R, KCC (Heritage) R, NE X, KWT X, EHM (Env. Protection) X, SW X, EA X, Willesborough Community Forum R, Village Alliance R, CCE & Crest Nicholson X, KICC X |
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Application as amended 2015

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|--------------------|-------|---|
| (a) 548 /113 R 1 S | (b) R | (c) NPCU X, HE +, KH&T X, Stagecoach X, SGN X, NR X, Historic England X, Canterbury Diocese X, KCC (Heritage) R, KCC (PROW) X, NE X, KWT X, KCC Ecology X, Kent Downs AONB Unit R, CPRE R, EHM (Env. Protection) X, SW X, EA X, KCC Flooding X, PO (Drainage) X, Willesborough Community Forum R, Village Alliance R, CCE & Crest Nicholson R |
|--------------------|-------|---|

The Chairman read out a short statement explaining the procedure for speakers for this particular item only. He would allow up to three speakers in objection and three speakers in support, as well as an opportunity for the Parish Council to make comments either way. He considered that a greater degree of public participation was desirable for an application of this size. He and the Portfolio Holder believed that there was a need to review the Committee's procedures for public speaking, particularly in relation to major sites, and he had asked officers to provide him with possible options. The order of speakers would be objectors, supporters and Parish Council. All speakers would be permitted three minutes. He said that there had been much speculation regarding the identity of the occupiers of the new development. However, no details were set out in the application, apart from the fact that Kent Woolgrowers would be situated there. As the identity of the future occupiers was not a planning matter, the Chairman asked speakers to concentrate on planning matters alone.

The Strategic Applications Team Leader drew Members' attention to the Update Report. He asked Members to note the amended Master Plan and he read out further representations which had been received. He also read out an additional

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condition, as well as amendments to existing conditions, and finally read out a further objection received by email from Philip and Sharon Swandale.

In accordance with Procedure Rule 9.3, Mr Herlihy, a local resident, spoke in objection to the application. He said this was an important site – a gateway to Ashford for visitors from Europe. It was a high area which was visible from the AONB. It included Sevington Church, which was a Grade I listed building. This should ensure the highest level of protection for the building and its setting. This was not the right place to build a huge warehouse development which would be as tall as the spire of the church. The land was scheduled for employment uses, and a high quality development, such as that at Kings Hill, would be appropriate. The huge warehouses proposed would generate a few low paid jobs and employees would be transported from elsewhere, so there would be no multiplier effect. This would be an eyesore which would destroy the view of Sevington Church and dominate the main gateway into Ashford. There would be headlights, noise and diesel fumes. If a lorry driver missed his delivery slot he wouldn't get paid, so he would be sure to arrive early. As it was not possible to wait on site, where would he wait instead? In the lanes around Ashford. KCC's Conservation Architect and Historic England's experts said that this development threatened serious harm to the church's setting. This was a speculative application and the biggest development the applicant felt he could squeeze onto the site. There was no regard for scale, context and negative visual impact. The proposed screening was too small and should be sited on the development site and not on grade 1 agricultural farmland. This was a deliberately premature application as the future capacity of J10a was not yet clear. The applicants were aware that this development would generate huge traffic volumes and wanted to get planning permission before other developments soaked up the capacity from J10a. If Members were to refuse the application, the applicant would have to produce an amended scheme, more in keeping with the site and the quality of development this Borough deserved.

In accordance with Procedure Rule 9.3, Mrs Drury spoke in objection to the application on behalf of the Campaign to Protect Rural England. She noted that a great deal had been done to mitigate and manage this sensitive site. This site was featured in the existing Local Plan and the question was how to achieve a development which would work but also protect the village of Mersham. The development line should be moved back to the west side of Highfield Lane, as on the site U19 plan, and the field in between should be used as a strategic gap in perpetuity. The proposals to close off Highfield Lane and Kingsnorth Street were helpful but not sufficient. The building line should be moved further west so a buffer of trees could be planted very soon as they would take a while to mature. The setting of the AONB was very important. Three planning appeals had already rejected development at Junction 8 of the A20 due to harm to the setting of the AONB. Mrs Drury was pleased to see that the original proposal to have a great deal as reserved matters had been changed and there would now be planning applications on substantive detail. This was a raised site which was highly visible from the AONB. Sevington church was part of a line of beacons and was in a line of

sight. Mrs Drury asked where the traffic plan was for HGVs and LGVs which would service this site. This must be part of the total plan.

In accordance with Procedure Rule 9.3, Mrs Arthur spoke in objection to the application on behalf of The Village Alliance. She recognised that U19 would be developed in some form. The current proposal catered for large scale warehousing and it was the Council's responsibility to decide on the best type of development to benefit the people of Ashford. The demands of developers could not be the primary consideration. A major warehouse development on the proposed scale at U19 was inappropriate. It provided for warehouses 16m high being built on raised land which would dominate the skyline and destroy the setting of the Grade I listed Sevington church. There was a legal duty to follow the NPPF which required special regard to be given to listed buildings. Because of this the KCC Conservation Architect had recommended refusal. The development would provide mainly low skilled jobs which were not needed and would contribute little to the local economy. It was likely that most employees would be imported from other areas, thus further exacerbating traffic problems. The uncertainty of the future capacity of J10a, together with increased traffic from U19 and other developments in Ashford, made this a high risk proposal. Moving the red line of the proposed development to the east of Highfield Lane was unacceptable and contrary to U19 site policy. It would create unnecessary encroachment towards Mersham and would break the Mersham wall. The farmland was not zoned for development. All landscaping should be within the site. The Council's Cabinet had said it sought to bring about a more structured approach to Ashford's gateways in order to project a positive message, but Mrs Arthur questioned whether several large warehouses at the south-eastern gateway to Ashford would achieve this. The application must be rejected to allow re-evaluation of the type of development. Ashford needed buildings sympathetic to the surroundings, businesses providing quality employment, attracting highly skilled people to Ashford and generating valuable growth for the local economy. The Village Alliance was totally opposed to the current proposal, where the developers were the only significant beneficiaries.

In accordance with Procedure Rule 9.3, Mr Owen, of AXA Real Estate, spoke in support of the application on behalf of the applicant. The applicant had committed approximately £20m to this project since 2007. Following the allocation in the Development Plan, the applicant had worked very closely with key stakeholders, including Highways England, Kent County Council, Ashford Borough Council, development consultants and Kent Woolgrowers. The applicant had a record of delivering very high quality developments. They remained very committed to Ashford and this application had their full support and backing. They hoped to work closely with local and regional occupiers and had received considerable market interest, even prior to any marketing. They would start with Kent Woolgrowers. The applicant had the experience, the financial capability and the expertise to deliver a high quality scheme for the benefit of Ashford and as allocated in the Development Plan.



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In accordance with Procedure Rule 9.3, Mr Edmonds, the agent, spoke in support of the application. This site had long been allocated as one of the Council's key strategic employment sites. The applicant had invested a considerable amount of time and effort in developing proposals for the site that would ensure that the objectives of policy U19 were met. The scheme successfully met those objectives, striking the right balance between suitable controls over the nature and form of the development and having regard to the site's acknowledged sensitivities, and flexibility to respond to the market's identified needs. It would allow the establishment of a new and urgently needed facility for Kent Woolgrowers to come forward as a first phase of development. This in turn would allow redevelopment of an important town centre site. The scheme would deliver over 1600 full-time equivalent jobs within the local economy, in addition to over 150 construction jobs per annum. Since submission of the application in 2014, there had been a number of key challenges, which had been resolved in collaboration with Council officers, key stakeholders and local residents. The agent had worked closely with Historic England and the Canterbury Diocese to ensure the scheme did not give rise to any unacceptable impacts on the Grade I listed St Mary's church. Views of the church were protected by a significant landscape corridor running along the site. A contribution of over £185K would also be provided to the Diocese to deliver an agreed scope of upgrade works to the church and surroundings. The applicant would also provide other improvement works, such as new car parking for the church, bringing the total contribution to over £250K. The highway configuration had been changed to address local residents' concerns about rat running and to limit the impact of traffic on local networks. Significant landscaping was provided along the boundary to minimise visual impacts. The mix of employment uses had been amended to limit the amount of B1 office provision on site to respond to concerns about potential impacts on the town centre. The construction programme for this site now appeared to be aligned with Highways England's delivery programme for J10a. Mr Edmonds asked Members to support the Officer's Recommendation and approve the application.

In accordance with Procedure Rule 9.3, Mr Fletcher, on behalf of Mersham and Sevington Parish Council, spoke in objection to the application. He noted the Council's achievements throughout the Borough and thanked officers for their hard work on this application. He recognised that the applicants had, in some small way, responded to local objections and agreed, in principle, the closure of Highfield Lane/Kingsford Street. However, it was disappointing that the outline plan showed the two largest sheds 16m high astride one of the highest vantage points on the main approach to Ashford. There was insufficient land within the site to carry out landscaping, although no amount of landscaping would hide this bulk from the North Downs AONB. If the site was not big enough to accommodate proper landscaping within its boundary, it was not suitable for this application. The development was intended to bring 2,400 jobs into the Borough but was only providing 1,600 car parking spaces. There was already enough of a problem with parking around Ashford, and the lorry waiting issues hadn't even been addressed. The Section 106 agreement proposed that the church should receive £186K as compensation to the

community of Sevington. Mr Fletcher questioned what guarantees there were that the Diocese would use this money to provide facilities for the local people. This application did nothing to reduce the access problems of residents and businesses in Barrey Road. More new businesses were opening in the Barrey Road estate and this situation was not sustainable. This proposal did not reflect the high quality development Ashford deserved. It failed to offer the qualities of opportunity for jobs, building design and environmental issues. Mr Fletcher urged Members of the Committee to reject the application.

The Ward Member attended and requested amendments to the recommended conditions and the addition of various new conditions.

**Resolved:**

- (A) Subject to the receipt of an amended master plan (being a combination of the amended illustrative master plan, the amended illustrative master plan alternatives and the parameter plans informing such amended master plans) showing the reservation of land for a potential public highway connection across the Ashford to Folkestone and HS1 railways, submitted by the applicant pursuant to the requirement of Policy U19 of the Urban Sites and Infrastructure DPD 2012, and**
- (B) Subject to the development remaining in accordance with the amended master plan pursuant to the requirement of Policy U19 of the Urban Sites and Infrastructure DPD 2012, and**
- (C) Subject to the receipt of the final written views of Highways England raising no objection to the proposals, and**
- (D) Subject to the receipt of any necessary updated plans, including phasing plan, dealing with matters relating to (B) above and to accord with the approach at (E) below, and**
- (E) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
  - a. Contribution for funding carbon savings (excluding infrastructure)**
  - b. Bus strategy**
  - c. Framework Travel Plan (including public transport strategy)**
  - d. The funding of improvements to facilitate improved pedestrian and cycle improvements between the site and Kingfisher Close, Willesborough**
  - e. The upgrading of public footpath AE639 and public footpath AE363 between Highfield Lane and Blind Lane to public bridleway**

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status to a standard to be agreed with KCC in consultation with the local planning authority

- f. Via an obligation to enter into a s.278 agreement with Highways England pursuant to the Highways Act 1980 to make a SPG6 contribution towards increasing strategic highway capacity to accommodate the traffic movements arising from the development of the site through the provision of J10A to the M20 motorway
- g. The funding by the applicant of the promotion and implementation by the local highway authority of road closures via Traffic Regulation Orders (TROs) to (A) prevent through traffic moving between Highfield Lane and Kingsford Street as shown on Drawing No. 22233105-32, and (B) prevent through vehicular traffic at the southern end of Church Road (using lockable bollards or similar measures to maintain an access for emergency vehicles only)
- h. The associated implementation a refuse freighter sized turning facility (with associated landscaping) to a specification and in accordance with agreed long term maintenance (including potential adoption by the local highway authority) to be agreed with the local highway authority in consultation with the local planning authority
- i. The funding of £186, 875 by the applicant to the Diocese, via the Council, to cover the costs of the Diocese carrying out the agreed internal upgrade works necessary to St. Mary's Church to enable it to meet the needs of the emerging community (including in particular workers in the development) arising through the development of Site U19, and subject to a report from the Diocese to be approved by the Council itemising the nature and timing of the works and, in conjunction with Mersham and Sevington Parish Council, the retention of the upgraded building to meet the needs of the existing and emerging community
- j. The carrying out by the applicant within a timescale to be agreed of a 30 space car park (to an agreed specification) to serve St. Mary's Church together with access alterations and footpath connections also to be agreed
- k. Reservation of land through the site - from the principal access connection with the J10A link road on the northern side to the southern boundary broadly in the position shown on the master plan to enable a potential highway connection over the railway to the south - as public highway

- l. Implementation and development completion notices to be served on ABC**
- m. Monitoring fee A: travel plan (index linked £1,000 p.a. for 5 years)**
- n. Monitoring fee B: (index linked £5,000 p.a. for the duration of the build)**

as detailed in table 1, in terms agreeable to the Head of Development Strategic Sites and Design in consultation with the Corporate Director (Law & Governance), with delegated authority to the Head of Development Strategic Sites and Design to make or approve changes to the planning obligations and planning conditions (including adding additional conditions or deleting conditions as necessary), as she sees fit.

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<b>Contribution for funding carbon savings (excluding infrastructure) based on the residual carbon emissions of the buildings set out in the approved energy performance certificates and quantified over 10 years</b>	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD.	Payable on substantial completion of each individual building
2.	<b>Bus strategy. Agreement of a strategy to ensure a bus service for the site – whether a service provided directly by the applicant OR by a commercial operator OR a combination of the two approaches calling at the site at a</b>	To be agreed	To be agreed

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p><b>location or locations to be agreed and at an acceptable frequency – connecting the development with the urban area and ultimately the town centre and railway stations, commencing 6 months after the completion of the link between the main site access and Church Road to a frequency to be agreed and funding for that service for a minimum period of 5 years.</b></p>		
3.	<p><b>Framework Travel Plan (including public transport strategy and other green transport measures to serve the site)</b></p>	Not applicable	<p>Framework Travel Plan to be approved at a trigger to be agreed in relation to occupation of new floorspace and the agreed Travel Plan to be implemented within 3 months of that event. Time period of review to be agreed.</p>
4.	<p><b>The funding of improvements to facilitate improved pedestrian and cycle connection between the site and Kingfisher Close, Willesborough</b></p>	£30,000	To be agreed
5.	<p><b>The upgrading of public footpath AE639 and public footpath AE363</b></p>	To be agreed	To be agreed

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<b>between Highfield Lane and Blind Lane to public bridleway status (both physically and legally) to a standard to enable all-weather usage by pedestrians and cyclists to be agreed with KCC in consultation with the local planning authority</b>		
6.	<b>Obligation to enter into a s.278 agreement with Highways England pursuant to the Highways Act 1980 to (a) make a SPG6 contribution towards increasing strategic highway capacity to accommodate the traffic movements arising from the development of the site through the provision of J10A to the M20 motorway and (b) safeguard the land necessary for Highways England to deliver the J10A scheme (including the link road and allied routes for non-motorised traffic, landscaping, drainage and other rights over land) when required</b>	SPG6 based sum to be calculated	Obligation to enter s.278 agreement prior to first occupation of new floorspace

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
7.	<p><b>The funding by the applicant of the promotion and implementation by the local highway authority of road closures via Traffic Regulation Orders (TROs) to (A) prevent through vehicular traffic moving between Highfield Lane and Kingsford Street and retain a local public highway for cyclists and pedestrians and equine users only (using lockable bollards or similar measures to maintain an access for emergency vehicles only) as shown on Drawing No. 22233105-32</b></p> <p><b>and</b></p> <p><b>(B) prevent through vehicular traffic at the southern end of Church Road (using lockable bollards or similar measures to maintain an access for emergency vehicles only)</b></p>	To be agreed with the local highway authority.	To be agreed with the local planning authority in consultation with the local highway authority.
8.	<b>To fund and provide land for the</b>	To be agreed with the local highway	To be agreed with the local planning authority in

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<b>associated implementation of a refuse freighter-sized turning facility to enable a turn and return in an easterly direction along Kingsford Street (with associated landscaping) to a specification and in accordance with agreed long term maintenance (including potential adoption by the local highway authority) to be agreed with the local highway authority in consultation with the local planning authority</b>	authority.	consultation with the local highway authority with the land as is necessary to construct the facility to be provided by the applicant at nil consideration.
9.	<b>(A) The funding by the applicant to the Diocese, via the Council, to cover the costs of the Diocese carrying out the agreed internal upgrade works necessary to St. Mary's Church to enable it to meet the needs of the emerging community (including in particular workers in the development) arising through the</b>	£186, 875	To be agreed in consultation with the Diocese.



<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p><b>development of Site U19</b></p> <p><b>(B) The subsequent provision of a report from the Diocese to the Council itemising the works to be carried, when the works will be carried out and, following prior consultation with the existing local community and in conjunction with Mersham with Sevington Parish Council, the way in which the upgraded building will be retained available to help meet the needs of that local community alongside meeting the needs of the emerging community (including in particular workers in the development) arising through the development of Site U19.</b></p>		Timescale to be agreed.
10.	<p><b>The construction by the applicant within a timescale to be agreed of a suitably surfaced, all-weather, 30 space off-street car park (to an agreed specification)</b></p>	To be agreed	To be agreed

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	to serve <b>St. Mary's Church</b> together with access alterations and footpath connections also to be agreed		
11.	<p><b>Reservation of land through the site - from the principal access connection with the J10A link road on the northern side to the southern boundary broadly in the position shown on the master plan to enable a potential 2-lane vehicular highway connection over the railway to the south - to be provided and adopted as public highway.</b></p> <p><b>Development of the site shall deliver the new link road to the southern boundary if and when a scheme for the delivery of a railway crossing and matching road on the southern side of the railways to serve future growth has been secured</b></p>	Not applicable	To be agreed
12.	<b>Implementation notice</b>	Not applicable	On commencement of development through the making of a material

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
		operation as defined in the Town and Country Planning Act 1990 (as amended)
13. <b>Monitoring fee A: travel plan</b>	Index linked £1,000 p.a. (including part thereof) for 5 years	£1,000 to be paid to the Council upon submission of the draft Travel Plan and £1,000 on the anniversary thereof for a period of 4 years.
14. <b>Monitoring fee B: other</b>	Index linked £5,000 p.a. (including part thereof) for the duration of the build	Upon commencement of the development authorised by the permission.
15.	<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> 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. 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>	

- (F) **Subject to the application being advertised as it does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated in terms of the requirements of Policy ET3 of the Ashford Borough Local Plan 2000, and subsequently notification to the Secretary of State in terms of the quantum of office floorspace proposed and to his having indicated that he is content for the Council to determine the application, or not responded,**
- (G) **With authority delegated to the HDSSD or JDCM to approve the amended masterplan under para. (A) above, to determine whether the development remains in accordance with it under para. (B) above, to approve the updated plans under para. (D) above, and to consider any responses to the advertisement under para. (F) above and to Grant Outline Planning Permission unless any new material matters are raised that are not already substantially before the Committee when taking its**

**decision (but if such are raised, the application to be reported back to a future Planning Committee)**

**(H) Grant outline planning permission**

Subject to the following conditions and notes:

Time periods

1. (A) Approval of the phase 1 works involving the siting, design, appearance and landscaping of the estate roads, the sustainable drainage system embedded within open space and the landscaping and layout of that open space (including measures specifically designed for ecological/biodiversity enhancement purposes within that open space) shall be obtained from the local planning authority prior to the approval of the first new building to be constructed within the site and thereafter the phase 1 works shall be carried out in accordance with such approval unless the Local Planning Authority has agreed to any variation in writing.

(B) Approval of the siting design and external appearance of each of the buildings, the means of access thereto within the site interior, and the landscaping of each individual building plot to be constructed, hereinafter called "the reserved matters" shall be obtained from the local planning authority in writing before the development of the site or any individual plot within the site is commenced.

**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) and in order to ensure that phase 1 works are considered in advance of the approach to individual areas of the site containing development plots coming forward for approval.

2. (A) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of 7 years from the date of this permission.

(B) The development hereby permitted shall be first begun no later than 2 years from the date of this permission and any development permitted pursuant to reserved matters approvals shall be begun either not later than the expiration of 7 years from the date of this permission, or before the expiration of 2 years from the date of approval of the reserved matters, whichever is the later.

**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)

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Content of applications for approval of reserved matters

3. All proposals submitted pursuant to condition 1(B) of this permission shall be accompanied by a statement demonstrating how the proposals;-
- (i) conform generally with the layout and building design principles set out in the Design and Access Statement, the Development Specification and the illustrative master plan with any proposed departures being justified,
  - (ii) conform specifically with the Design Code subject of condition 6 of this permission,
  - (iii) conform specifically with the Local Ecological Management Plan subject of condition 48 of this permission, and
  - (iv) conform specifically with the Lighting Strategy subject of conditions 8 and 9 of this permission.

**Reason:** To ensure that the fine detail of the site's development is appropriate in order to mitigate its visual, landscape, amenity and ecological impacts.

4. Details of the final finished level to ground floors of any proposed building shall be submitted to and approved in writing by the Local Planning Authority at the same time as the details submitted pursuant to condition 1(B) and the development shall be carried out to the approved level.

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

5. Written details and sample boards of all external cladding materials shall be submitted to and approved by the Local Planning Authority in writing at the same time as the details required by condition 1(B) of this permission and the development shall only be carried out using the approved external cladding materials.

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

Design Code

6. (A) Prior to the approval of any floorspace proposed pursuant to this permission, a Design Code shall have been submitted to and (following critical review by independent consultants to be commissioned to assist the Local Planning Authority and the making of any necessary amendments) approved in writing by the Local Planning Authority containing the following minimum elements to inform detailed building, plot and site design;-

- (i) plot configuration (including the position of buildings, yards and car parks and surfacing materials),
- (ii) plot boundary demarcation (including differing approaches according to context and innovative ways of softening visual impact thereof)
- (ii) general building form (including shape, configuration, and heights),
- (iii) roof and eaves profiles (including materials, types including green roofs, eaves treatments to soften the impact of concealed rain water goods),
- (iv) approach to office elements (including both separate pod and integral arrangements, entrances, materials, adaptability, articulation, site-wide and on-plot legibility),
- (v) building appearance, aesthetic and creation of a strong sense of place (cladding and materials, wall / eave / roof colours, green walls, doors and openings, signage, façade illumination),
- (vi) materials (car parks, yards, roads, paths), and
- (vii) street furniture (including bus shelters, approach to way-finding and public art, street and open space furniture.

The Design Code shall include a time period for its future review.

(B) All applications submitted pursuant to Condition 1(B) of this permission shall include a written statement identifying how the detailed design that is proposal complies with the provisions of the Code.

**Reason:** To help ensure that the principles of development set out in the application are translated by subsequent designers to help mitigate the impact of the development on its surroundings.

#### Sustainable design & construction

7. (A) Each and every building at the development hereby approved shall be carbon neutral and shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Excellent' standard comprising the following minimum credit requirements:-
- (i) 'Excellent' standard in respect of energy credits,
  - (ii) 'Maximum standard in respect of water credits,
  - (iii) 'Excellent standard in respect of materials credits, and

(iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 30% reduction in carbon emissions.

(B) Unless otherwise agreed in writing by the Local Planning Authority, no work on any building floorspace hereby permitted shall commence until the following for that new building floorspace has been submitted to and approved in writing by the Local Planning Authority:-

(i) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements),

(ii) 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,

(iii) A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

(iv) Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

(C) Thereafter, each approved new building shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

(D) Unless otherwise agreed in writing by the Local Planning Authority, each approved new building shall not be occupied until (i) and (ii) below have been submitted to and approved in writing by the Local Planning Authority for that building:

(i) SAP calculations from a competent person 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, and

(ii) a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of

natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) 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 NPFF.

Street, amenity/open space and development plot lighting

8. All proposals submitted pursuant to conditions 1(A) and 1(B) of this permission shall be accompanied by a statement demonstrating how the proposals conform with the Lighting Design Specification as set out in Appendix D of the Development Specification October 2015, with particular attention being paid to ensuring that the proposals minimise the impact on wildlife and reduce unnecessary light spillage in areas that need to be lit. The statement shall include confirmation from a qualified ecologist that the proposals would minimise the impact on wildlife.

**Reason:** To ensure that the approach to site lighting is appropriate and reduces the impact of the development.

9. The following details shall be submitted to the Local Planning Authority at the same time as the details required by conditions 1(A) and 1(B) and (following consultation with the Kent Wildlife Trust and KCC Ecology) be approved by the Local Planning Authority in writing;-

(a) 1:50 scale elevations of lighting (and any other) columns to be installed and details of final colour finish,

(b) a 1:500 scale layout plan showing the location of lighting (and any other columns), and

(c) full details of levels of luminance for columnar lighting and measures and specifications employed to limit light spillage and minimise impact on bats within the locality.

Only the approved details shall thereafter be implemented and shall be subsequently retained in perpetuity unless the Local Planning Authority has subsequently agreed otherwise in writing.

**Reason:** No such fine details have yet been supplied and in order to ensure, generally, that the approach to lighting and any other columns is contextually appropriate for the urban edge location taking into account the relationship with the undeveloped surrounding land and residential uses and, specifically, takes into account the need to minimise impact on bats present in the locality.



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Bat roosting, bird nesting and hibernacula

10. Prior to any approved floorspace being made available for use, the following details shall have been submitted to and approved by the Local Planning Authority in writing;-

(a) full details of proposed bat roosting and bird nesting boxes to be provided on the plot including number, location, method and height of fixings, visual appearance and external colour finish, and

(b) full details of proposed hibernacula to be provided including number, location and appearance. Unless any subsequent variation is agreed in writing by the Local Planning Authority, the approved details shall be installed prior to the car park being available for use and shall thereafter be retained.

**Reason:** No such fine detail has been submitted. To ensure that protected and important species are adequately provided for as part of the proposed development mitigation and in the interests of biodiversity and habitat protection and enhancement.

Site access arrangements and quantum of development so served

11. Prior to the occupation of any development on the site, Church Road shall be upgraded in accordance with the details shown on the application drawings and the works opened to traffic

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

12. No more development than is equal to 1 DU of traffic impact (in accordance with the provisions of SPG6: Providing for transport needs arising from the South of Ashford Transport Study) shall be occupied on the site prior to the granting of a Development Consent Order (DCO) for the works to form J10A of the M20 motorway and the link road from J10A to the A2070.

**Reason:** The traffic impact of development at the site (in excess of 1DU of traffic already catered for to serve development of the site via J10 as upgraded) can only be accommodated by enhanced capacity of the strategic highway network achieved through the granting of a DCO consenting the construction of J10A and the link road from J10A to the A2070.

13. No more development than is equal to 1 DU of traffic impact (in accordance with the provisions of SPG6: Providing for transport needs arising from the South of Ashford Transport Study) shall be occupied on the site unless either (A) the works to form J10A of the M20 motorway have formally commenced or (B) the Church Road/A2070 junction has been signalised and is open to traffic

in accordance with a scheme that shall previously have been agreed by the Local Planning Authority in consultation with Highways England.

**Reason:** The traffic impact of development at the site (in excess of 1DU of traffic already catered for to serve development of the site via J10 as upgraded) can only be accommodated by enhanced capacity of the strategic highway network to be achieved through the implementation of a DCO consenting the construction of J10A and the link road from J10A to the A2070 OR the signalisation of Church Road/A2070 whilst the works subject of DCO are under construction but not yet open to traffic.

14. No more development than is equal to 2.75 DU of traffic impact (in accordance with the provisions of SPG6: Providing for transport needs arising from the South of Ashford Transport Study) shall be occupied on the site unless the works for J10A and the link road to the A2070 and the principal/main access into the site from the link road have all been opened to traffic.

**Reason:** Until strategic highway capacity is enhanced in this manner, the traffic impacts of development at the site in excess of 2.75DU cannot be satisfactorily accommodated.

15. Within 6 months of the principal/main access into the site being opened to traffic, the access into the development site from Church Road shall have been downgraded by means of traffic management measures (including weight, height and width restrictions but not limited thereto) to be carried out within the site (in accordance with a scheme previously agreed with the Local Planning Authority in writing following consultation with the highway authorities) with such measures within the site to thereafter be retained in order that priority is given to use of the principal/main site access by all traffic generated by the development.

**Reason:** The quantum of traffic generated by the development site should be served primarily by the principal/main access from the new road to J10A with the Church Road/A2070 junction having only a limited role in meeting the needs of the development.

#### Visibility splays and access

16. Any pedestrian and vehicular visibility splays approved pursuant to the details within the reserved matters shall be provided prior to commencement of work for that part of the development and shall be subsequently maintained clear of any obstruction over 0.6 metres above footway level.

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

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17. No building shall be occupied until the means of vehicular and pedestrian access for that part of the site has been constructed in accordance with the approved plans.

**Reason:** In the interests of highway, pedestrian and cycle safety.

Construction phase(site set up and operation): construction traffic routeing, construction compounds, hours of operation, wheel washing to be agreed

18. Prior to any development commencing at the site, details shall be submitted to and approved in writing by the Local Planning Authority which show;-

(i) the location of any proposed site compound in addition to those that may be required in connection with the development of specific development plots,

(ii) routing of large goods vehicles to and from the site via the M20 and associated measures to be put in place to ensure compliance with that routing,

(iii) hours of site access for long goods vehicles.

Thereafter, unless any variation is agreed in writing by the Local Planning Authority, the approved site compound and lorry routing shall be implemented in accordance with the approved details and shall be retained as such for the duration of the works hereby approved.

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

19. Prior to works commencing on site, the following details shall be submitted to and (following consultation with the local highway authority as appropriate) shall be approved by the Local Planning Authority in writing;-

(i) details of parking for site personnel and visitors during construction,

(ii) details of access points, loading / unloading and turning areas for all construction related traffic,

(iii) details of proposed dust suppression, odour suppression and vapour suppression methods,

(iv) details of proposed surrounding fencing / hoardings to any compounds,

(v) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public highway and to nearby residents), and

(vi) details of any plant, equipment and machinery to be installed as part of the compound including details of hours of operation and noise during operation.

Thereafter the approved details shall be provided prior to the commencement of works and retained for the duration of the construction of the permitted development unless the Local Planning Authority has agreed otherwise in writing.

**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.

20. (A) Prior to the commencement of development, a Site Waste Management Plan (SWMP) shall have been submitted to and approved by the Local Planning Authority in writing. The SWMP shall include a detailed management plan for reducing construction waste during the construction phases of development in the form of site management, waste management and project design and planning. The approved SWMP shall be implemented throughout the period of demolition and construction work within the application site.

(B) Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be implemented in accordance with the SMERFC.

The matters to be addressed in the SMERFC shall include the following:-

(i) design, implementation and protection of landscaping to relevant British Standards,

(ii) Considerate Contractors / Code of Construction Practice,

(iii) methodology of protecting existing and new trees to the relevant British Standard during construction, and

(iv) a method statement for any piling or other noisy construction activities, or the installation and removal of any large static construction equipment such as cranes.

**Reason:** To ensure that the impacts of construction on adjoining areas are minimised for the benefit of the local environment and the amenities of nearby residents.

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21. No site clearance or 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 any Sunday or Bank or Public Holiday unless first agreed in writing by the Local Planning Authority.

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

22. Prior to the commencement of any works on site, details of facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. Unless any subsequent change has been agreed 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 works.

**Reason:** To ensure that no mud, spoil, surface water 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.

Construction (and operational) phase: remediation, environmental and waste management plans/strategies to be agreed

23. Prior to the commencement of works, a detailed Remediation Strategy (RS) 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 shall have been submitted to and approved by the Local Planning Authority in writing. The RS must describe all the relevant works to be undertaken during construction and post-completion operation stages and include the following:-

(i) proposed remediation objectives,

(ii) performance criteria,

(iii) a schedule of works, and

(iv) site management protocols.

The RS is required to 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 RS shall only be carried out in accordance with the approved details unless any subsequent change has

been agreed in writing by the Local Planning Authority.

The Local Planning Authority must be notified in writing at least two weeks prior to commencement of the approved RS works.

**Reason:** To ensure that risks from land contamination to the future users of the site 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.

24. Within 3 months of the completion of the approved RS measures applicable to the demolition and construction stages, a verification report that demonstrates the effectiveness of the remediation carried out by must be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To verify the effectiveness of the approved RS and to ensure that risks from land contamination to future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

25. Prior to the commencement of development, a Construction and Environmental Management Plan (CEMP) shall have been submitted to and approved by the Local Planning Authority in writing. The CEMP shall include;-

(i) Code of Construction Practice,

(ii) hours of working for noisy activities and details of the installation and removal of any large equipment such as cranes relating to those works,

(iii) details of all general measures to be put in place to ensure that during construction phases all works are managed so as to minimise their environmental impact in terms of noise, pollution and protection of natural resources including the use of petrol interceptors and on-site protection of temporary chemical and fuel stores,

(iv) details of specific measures that will be put in place in the event that on-site construction works identify contamination including the prevention of onward contamination, suppression of contamination, removal of contamination and the use of personal protective equipment for construction workers,

(v) details of specific measures that will be put in place to prevent damage to the riparian habitats in the locality from works taking place on site, and

(vi) details of all measures to be put in place and thereafter retained during

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the operational phase of the development permitted, including the use of petrol interceptors.

Thereafter, the approved CEMP shall be implemented in full unless the Local Planning Authority has agreed in writing to any subsequent variation or iteration of the Plan.

**Reason:** To ensure appropriate environmental management systems are put in place during the construction and operational phases of the development in order to prevent adverse impacts on the environment and to ensure that the impacts of construction on adjoining areas are minimised for the benefit of the amenities of nearby residents.

#### Design to encourage and facilitate cycling

26. No building shall be occupied until space has been laid out within that site for bicycles to be parked under cover in accordance with details that shall have been submitted to and approved by the Local Planning Authority and such cycle parking facilities shall subsequently be retained available for use by staff and visitors to the premises.

**Reason:** In the interests of promoting alternative modes of transport generally and, specifically, to ensure that each development plot provides an acceptable number of good quality cycle parking facilities to help facilitate transport choice for staff and visitors, to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

27. Unless otherwise agreed with the Local Planning Authority, no building shall be occupied until cycle changing/shower facilities/drying facilities/locker facilities have been provided for that building (whether in that building or in an adjoining one or in a centralised facility within the site) in accordance with details that shall have been submitted to and approved by the Local Planning Authority and these facilities shall subsequently be retained available for use by staff and visitors to the premises.

**Reason:** In the interests of promoting alternative modes of transport generally and, specifically, to ensure that the necessary facilities for cyclists, both staff and visitors, are provided in order to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

#### Framework and Workplace Travel Plans

28. (A) Prior to the first occupation of any building at the site, a Framework Travel Plan (FTP) shall have been submitted to and approved in writing by the Local

Planning Authority. The FTP shall set the long term management arrangements for the FTP.

(B) The FTP shall include the overarching Travel Plan approach for the whole site and establish a threshold whereby occupiers of floorspace either are required to produce an individual Workplace Travel Plan taking forward the content of the FTP, or, due to small size, are required to adopt and work towards the targets and objectives of the FTP via a pro-forma/template (with said pro-forma/template to be agreed in writing by the Local Planning Authority as part of the FTP).

**Reason:** In order to help realise a sustainable pattern of development in the area, comply with the provisions of the NPPF and the principles of sustainable development, assist smaller scale occupants of the site work towards Travel Plan objectives and targets and assist all other occupiers in the formulation of individual Workplace Travel Plans.

29. Within 7 months of first occupation of a building or any part of a building of a size identified in the FTP as necessitating a Workplace Travel Plan (WTP), WTP for the occupier of that floorspace that accords with Best Practice and the principles of (i) encouraging sustainable movement and (ii) reducing the reliance on the private motor vehicle as set out in the NPPF and builds on baseline survey work carried out by the occupier within a maximum 6 months of first occupation shall have been submitted to and (following consultation with the local highway authority) be approved by the Local Planning Authority. WTPs shall contain:

(a) Details of measures designed to achieve and maintain an appropriate target modal split of travel to and from that building,

(b) The contact details of an individual who will be appointed as WTP Co-ordinator within his/her job description and who will act as the contact point for the Local Planning Authority and the measures set out within the WTP,

(c) A mechanism for information to be provided to the Local Planning Authority annually (or as agreed in writing) as to the implementation of the measures set out in the WTP, and

(d) Proposed measures to maintain the appropriate modal split for the site and to monitor the performance of the WTP and appropriate measures to cover against failure to meet the agreed targets.

The agreed WTP for each occupier shall subsequently be implemented in full within 3 months of written approval by the Local Planning Authority and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority.



**Reason:** In order to realise a sustainable pattern of development in the area, to comply with the provisions of the NPPF and the principles of sustainable development and take forward the provisions of the FTP for the site.

### Archaeology

30. No development shall take place until;-

(A) The applicant (or the applicant's agents or successors in title) has located the Royal Observer Corps underground post at the site and provided a report (detailing its precise location, its physical condition, and measures by which the underground post can be physically protected and/or referenced as appropriate as part of the overall site layout, with an associated timescale for the implementation of said measures) to the Local Planning Authority and the report has been approved by the Local Planning Authority in writing.

Thereafter, the measures so approved shall be implemented in accordance with the approved timescale.

(B) The applicant (or the applicant's agents or successors in title) has secured the implementation of a programme of archaeological work other than the matter identified in (A) above in accordance with a plan covering the site, a written specification and timetable which has previously been submitted to and approved by the Local Planning Authority in writing.

**Reason:** To ensure that features of archaeological interest – including the Royal Observer Corps underground post - are properly examined and recorded across the site.

31. Within 3 months of the completion of the approved archaeological works a report containing details of the final archaeological recording work and the archaeological work report from the appointed archaeological contractor shall be submitted to and approved by the Local Planning Authority in writing.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded across the site.

### Fenestration

32. No building permitted pursuant to this permission shall be commenced until details of doors and fenestration, including cross sections of the elevation to show cills and reveals, eaves and parapets and jointing of any cladding or brickwork has been submitted to and approved in writing by the Local Planning Authority at a scale of 1:20. Thereafter the development of each building shall be undertaken in accordance with the approved details.

**Reason:** In the interests of visual amenity and to ensure a satisfactory appearance of the building.

Surface water drainage

33. No development shall be commenced until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to on-site or off-site flood risk and shall ensure all surface water is directed to its natural catchment unless agreed in writing with the local planning authority following prior consultation with Kent County Council as the Lead Local Flooding Authority and the River Stour Inland Drainage Board.

**Reasons:** To ensure that the principles of sustainable drainage that are incorporated into the development are maintained in effective working condition and will protect vulnerable groundwater resources and ensure compliance with the provisions of the National Planning Policy Framework and Policies CS19 and CS20 of the adopted Core Strategy 2008.

34. Prior to commencement, the arrangements for the disposal of surface water and flows from excavation dewatering shall be approved by the local planning authority in writing. These details shall be included within a sediment and erosion control plan to ensure run-off is managed adequately without pollution to receiving waters or increase to flood risk during construction.

**Reasons:** To ensure that the principles of sustainable drainage that are incorporated into the development are maintained in effective working condition and will protect vulnerable groundwater resources and ensure compliance with the provisions of the National Planning Policy Framework and Policies CS19 and CS20 of the adopted Core Strategy 2008.

35. No building shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(i) a timetable for its implementation, and

(ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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**Reasons:** To ensure that the principles of sustainable drainage that are incorporated into the development are maintained in effective working condition and will protect vulnerable groundwater resources and ensure compliance with the provisions of the National Planning Policy Framework and Policies CS19 and CS20 of the adopted Core Strategy 2008.

36. No infiltration of surface water drainage into the ground is permitted other than with the written approval of the local planning authority (following prior consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reasons:** To ensure that the principles of sustainable drainage that are incorporated into the development are maintained in effective working condition and will protect vulnerable groundwater resources and ensure compliance with the provisions of the National Planning Policy Framework and Policies CS19 and CS20 of the adopted Core Strategy 2008.

Preventing pollution of the water environment when premises are in use

37. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment.

38. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason:** To prevent pollution of the water environment.

Public rights of way

39. No development should take place over any public right of way until the confirmation of its diversion or extinguishment and certification of the new route has been provided by Kent County Council.

**Reason:** To ensure that public rights of way are properly safeguarded in the public interest.

Landscaping (including protection)

40. At the same time as the submission of details pursuant to condition 1, a survey of the development site as existing shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings and shall include, as appropriate, the following information at a suitable scale:
- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75mm or greater at a point 1.5 metres above ground level.
  - (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
  - (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection.
  - (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
  - (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
  - (f) Existing boundary treatments and forms of enclosure.
  - (g) Existing structures, services and other artifacts, including hard surfaces.
  - (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
  - (i) Route of existing footpaths and public rights of way on and adjoining the site.
  - (j) North point and scale.

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(k) Location map.

**Reason:** To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

41. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 15 years from the date of the completion of the development.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(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.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with 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.

42. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All 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 ten 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.

43. All trees planted shall be protected against stock and rabbits when planted in accordance with details that shall have been previously agreed with the Local Planning Authority and such protection shall be maintained at all times.

**Reason:** In the interests of good forestry and amenity.

44. (A) The landscaping scheme approved in relation to the phase 1 works pursuant to Condition 1 (A) of this permission shall be carried out within a timescale that shall have been previously agreed in writing by the Local Planning Authority.

(B) The Local Planning Authority shall be notified in writing of the completion of those phase 1 works.

(C) Any tree or plants which, within a period of 15 years from the completion of those phase 1 works, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless agreed otherwise by the Local Planning Authority in writing.

**Reason:** In order to mitigate the impact of the development through the implementation of agreed phase 1 works landscaping.

45. (A) The landscaping schemes approved in relation to individual development plots pursuant to Condition 1 (B) of this permission shall be carried out within 12 months of the building on the plot being substantially complete and available for occupation.

(B) The Local Planning Authority shall be notified in writing of the completion of the approved landscaping works.

(C) Any tree or plants which, within a period of 15 years from the completion of those works, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless agreed otherwise by the Local Planning Authority in writing.

**Reason:** In order to mitigate the impact of the development through the implementation of agreed landscaping for individual plots.

#### Hard landscaping

46. Full details of hard landscape works shall be submitted to the Local Planning Authority at the same time as the details required by Condition 1(A) and Condition 1(B) of this permission and shall be approved in writing by the Local Planning Authority prior to commencement of hard landscaping works and the

works shall only thereafter be carried out as so approved.

The hard landscape details shall include proposed finished levels or land 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, art, refuse or other storage units (including litter and dog bins), signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables etc indicating lines, manholes, supports etc) together with full details of maintenance.

**Reason:** In order to ensure that hard landscaping works are appropriate to the context of the site.

Ecological Management Strategy, Landscape Environmental Management Plan and Structural Tree Screen Landscape Management Plan

47. (A) Prior to commencement of development, a Framework Ecological Management Strategy (FEMS), shall have been submitted to and approved by the Local Planning Authority in writing, The FEMS shall include;-

(i) a timescale for implementation of the measures identified, and

(ii) a time period for the active management of those ecological measures,

(iii) a timetable for regular reports to be made to the Local Planning Authority identifying the success of the measures identified in the FEMS as a result of on-going ecological surveys during the active management period and,

(iv) a methodology for any proposed variations to the FEMS (in order to deal with the findings of said ecological surveys) to be proposed to the Local Planning Authority.

(B) Thereafter, the approved FEMS (including any agreed revisions arising from (iv) above) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agree to any other variation in writing.

**Reason:** In order to ensure an appropriate ecological management strategy is put in place to properly mitigate the ecological impacts of the development.

48. (A) Prior to commencement of development, a Landscape Environmental Management Plan (LEMP), shall have been submitted to and approved by the Local Planning Authority in writing. The LEMP shall include;-

(i) a timescale for implementation of the measures identified,

(ii) a time period for the active management of those landscape measures, and

(iii) a timetable for regular reports to be made to the Local Planning Authority identifying the success of the measures identified in the LEMP as a result of on-going landscape environmental surveys during the active management period and,

(iv) a methodology for any proposed variations to the LEMP (in order to deal with the findings of said landscape environmental surveys) to be proposed to the Local Planning Authority.

(B) Thereafter, the approved LEMP (including any agreed revisions arising from (iv) above) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure an appropriate landscape environmental management plan is put in place to properly mitigate the landscape impacts of the development.

49. Prior to commencement of development, a Structural Tree Screen Landscape Management Plan (STSLMP), shall have been submitted to and approved by the Local Planning Authority in writing. The STSLMP shall include the following;-

(i) a timescale for first implementation of the measures identified in the Plan,

(ii) the location of the Structural Tree Screen belts to be planted and managed in accordance with the Plan,

(iii) a time period for the duration of the Plan being not less than 15 years from the first implementation of the Plan,

(iv) details of the proposed management measures to be carried out by the applicant – including frequency thereof – during Years 1-5, Years 5-10, Years 10-15 and beyond - to ensure that the trees forming the Structural Tree Screen belts are regularly monitored and action is taken as appropriate in accordance with best arboricultural practice to assist trees planted within the belts maturing and early action is taken in respect of any trees found to be diseased or dying.

Thereafter, the STSLMP shall be shall be carried out in accordance with the approved details unless the Local Planning Authority has agreed to any variation in writing.



**Reason:** In order to ensure appropriate management measures are put in place to ensure the success of structural tree screen planting.

Management of HGVs (as defined in the HGV Road User Levy Act 2013)

50. (A) All proposals submitted pursuant to condition 1(B) of this permission shall be accompanied by an Individual Occupier Operating Strategy (IOOS) for each proposed building and its associated plot which shall include the details listed below:-

(i) the provision of electrified arrival bays/parking points for Heavy Goods Vehicles (HGV) at the premises for use by owned fleet and others,

(ii) as far as possible, measures to be undertaken by the occupier to help minimise HGV emissions through use of owned fleet HGVs fitted with clean technologies helping to ensure low emissions when in use and when loading/unloading,

(iii) HGV operating practices including matters of waiting times, turnaround of deliveries, and docking and unloading, and

(iv) HGV traffic management operating practices to ensure against off-site HGV parking problems occurring as a result of HGVs arriving at the premises at inconvenient times and/or being unable to access loading and unloading facilities.

Each building shall not be occupied until the relevant IOOS has been approved in writing by the Local Planning Authority and the electrified points for HGVs provided as approved. Thereafter, those premises shall only be occupied and operated in accordance with the approved IOOS unless the Local Planning Authority has agreed to any variation in writing.

**Reason:** To help reduce HGV emissions and avoidable deterioration of air quality through adoption of best practice and clean technologies. To help minimise noise and disturbance to the local residential community from HGVs waiting to access premises and parking in residential streets as a consequence.

Use of the premises

51. The buildings permitted shall not be used for any purposes other than Class B1 business use (including a maximum of 20,000sq.m of Class B1a use), Class B2 general industrial use, Class B8 storage and distribution use, Class A1 shop use (to a maximum 250 sq.m) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and the Kent Woolgrowers sui

generis use and no alternative use whether permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting that Order shall occur without the prior written approval of the Local Planning Authority.

**Reason:** In order to preserve the amenity of the locality and ensure that the uses remain appropriate to the planning context of the site.

52. (A) The total building floorspace shall not exceed that which is applied for and which is detailed on the application form dated 30/10/2015.

(B) No new building floorspace shall be created within the 133m landscape corridor shown on the Land Use and Layout Parameter Plan Drawing No. PL10\_160\_J (or any subsequent iteration thereof) and, in any event, no individual building to be used for Class B8 storage and distribution uses shall be created exceeding 80,000 sq.m.

(C) Site coverage of the total site area forming the DPD allocation as shown on Drawing 9031 SK160509\_01 (Boundary Sketch Plan) shall through the aggregate of individual building footprints not exceed more than 40% of that total site area.

(D) Any proposal for B1 office development that is not ancillary to or allied to B1a/B2/B8 uses proposed or existing on the site, shall be required to demonstrate why that floorspace cannot be accommodated in the town centre. In any event no stand-alone B1 office building shall exceed 5, 000 sq m in gross floorspace.

**Reason:** In order to preserve the amenity of the locality and mitigate the impact of the development on the setting of St. Mary's church and as the impact of any additional floorspace has not been assessed by the local planning authority and in order to give priority to Ashford Town Centre for B1 employment purposes.

53. Prior to the principal/main access into the site from the J10A link road and J10A being opened to traffic and prior to the traffic management measures within the site being carried out in accordance with the provisions of Condition 15, no work shall be carried out from any new premises on the site already constructed and in use before 07:30 or after 22:00 on any day.

**Reason:** To ensure that vehicle movements arising from those uses in advance of the principal/main access becoming available have an acceptable impact on the amenities of nearby residential occupiers to the A2070 Church Road junction.

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### Services

54. Underground ducts shall be installed before each of the buildings hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

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

### Availability for inspection

55. 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.

### **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. Public rights of way cross the site. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any public right of way at any time without the express permission of Kent County Council as the highway authority. Additionally, no furniture may be erected on or across public rights of way without the express consent of Kent County Council as the highway authority, there must be no disturbance of the surface of the right of way or obstruction of its use either during construction of development or thereafter and no new hedging or shrubs should be planted within 1.5metres of the edge of the public path.
3. This permission requires the submission of a Design Code for approval by the local planning authority. Following approval, the Code will build on the detail submitted with the outline application and act as a framework to assist those

taking forward the fine detail of new development for various parts of the site. The local planning authority will expect the Code to require innovative, sensitive and responsive architectural solutions to help mitigate the visual impact of new development in the landscape at an importance entrance to the Ashford and to help create a coherent and clear sense of place within the site. The local planning authority will expect the Code to set a clear quality standard. Poor quality design will not be acceptable and will be refused.

4. A High Pressure Gas Main crosses the site and the applicant should comply with PADHI requirements and best practice at all times.
5. The quality of the screen landscaping identified on the parameter and illustrative master plans is critical to mitigate the visual impact of the development. The local planning authority expects high quality detailed landscaping to come forward pursuant to the requirements of this permission and wishes the applicant's landscaping designers to work with officers on preparing proposals prior to submission for approval. The local planning authority will monitor all screen landscaping and consider the making of Tree Preservation Orders to protect matured screen landscaping at the appropriate time.
6. The approach taken to the depth of landscaping on the northern boundary of the site will need to interface with the approach taken by Highways England and be adjusted as appropriate if further space is liberated through the detailed design proposed by Highways England for the A2070 link road. The local planning authority wished to see the land to the south of the link road being strongly tree planted to add to the screen landscaping shown on the parameter and illustrative master plans.
7. The permission is granted with conditions following the approach currently taken to car parking in adopted SPG6 (Providing for Transport Needs Arising from the South of Ashford Transport Study) to the Ashford Borough Local Plan 2000. Applicants bringing forward detailed proposals for plots will be expected to comply with prevailing adopted car parking standards at the time.
8. 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 was provided with pre-application advice,
  - the applicant was provided with feedback on the deposited application
  - The applicant was provided the opportunity to submit amendments to the scheme in order to address issues.
  - The application as amended was moved forward 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>	15/00260/AS
<b>Location</b>	Land to the rear of Waltham Close, Willesborough, Ashford, Kent
<b>Grid Reference</b>	03027/42640
<b>Parish Council</b>	None
<b>Ward</b>	North Willesborough
<b>Application Description</b>	Erection of 16 no. dwellings, 4 no. affordable dwellings and 3 no. affordable apartments, car barns, vehicle access, parking and open space
<b>Applicant</b>	Mr and Mrs Lee and Mrs and Mrs Walters, c/o agent
<b>Agent</b>	TaD Planning, 51 Bayham Road, Tunbridge Wells, Kent, TN2 5HU
<b>Site Area</b>	1.2 Hectares

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- (a) 61/29R                      (b) -                      (c) KHS- R, Police – X, NE –X,  
ABC (SUD’s) – X, SW - X,  
EA – X, ABC SSOS – X,  
EHM – X, KWT – R, ABC  
HM – X, KCC (Arch) – X,  
NHS – X, KCC (ed) – X,

### Second Consultation on Amendments

- (a) 61/15R                      (b) -                      (c) KHS - X, ABC HM – X

The Principal Strategic Sites Planner & Urban Designer drew Members’ attention to the Update Report. There were several amendments to the report, as well as three additional neighbour comments received, and some communications from Finalgood Property Management Ltd.

In accordance with Procedure Rule 9.3, Mr Drury, representing the landowners, spoke in support of the application. He commended Officers for engaging with the agent to address the concerns of local residents. The scheme had been modified and was now very different from the original version. Mr Drury had no hesitation in commending to the Committee the Officer’s report.

### **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.**

### **Table 1**

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	Affordable Housing  Provide not less than 30% of the units as affordable housing,	4 affordable rent units  3 shared ownership units	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	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		dwellings
2.	Allotments  Contribution towards provision of 0.33 ha of allotments and ancillary facilities at Lower Vicarage Road Ashford and maintenance thereof	£258 per dwelling for capital costs  £66 per dwelling for maintenance	Upon occupation of 75% of the dwellings
3.	Carbon Off-Setting Contribution  Contribution for funding carbon savings (excluding infrastructure) based on	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

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	the residual carbon emissions of the dwellings set out in the approved energy performance certificates and quantified over 10 years		
4.	<p>Children's and Young People's Play Space</p> <p>Either: contribution towards provision of new local play area at Hythe Road Recreation Ground, or</p> <p>subject to an acceptable funding agreement being entered into by the owners and managing agents of the existing private children and young people's play space on nearby land at Abbey Way, providing for public access to that play space to be made permanently available, agreed enhancements to that play space.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings
5.	<p>Health Care</p> <p>Contribution towards improvements to Willesborough Health Centre</p>	<p>£0 for any affordable units</p> <p>£504 for each 1-bed Open Market Dwelling</p> <p>£720 for each 2-bed Open Market Dwelling</p> <p>£1,008 for each 3-bed</p>	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>
		Open Market Dwelling £1,260 for each 4-bed Open Market Dwelling £1,728 for each 5-bed Open Market Dwelling or larger	
6.	Monitoring Fee  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	<b>£1000</b> 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)
7.	Outdoor Sports Pitches  Contribution towards provision of new all-weather MUGA at Hythe Road	£1,589 per dwelling for capital costs  £326 per dwelling for maintenance	Upon occupation of 75% of the dwellings
8.	Primary Schools  Contribution towards additional primary school places at Willesborough Primary School, Ashford to facilitate a new reception class.	<b>£2360.96</b> per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
9.	Secondary Schools  Contribution towards the phase 2 extension at Highworth School, Ashford.	<b>£2359.80</b> per dwelling	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>
10.	Strategic Parks  Contribution towards provision of controlled public access through ecologically sensitive area of park, connecting the new development with the Stour Valley walk.	£146 per dwelling for capital costs  £47 per dwelling for maintenance	Upon occupation of 75% of the dwellings
11.	Libraries Contribution towards: bookstock at Ashford Library.	£48.02	Upon occupation of 75% of the dwellings
12.	Junction 10A  Contribution towards construction of junction 10A of the M20  To be paid through an agreement with Highways England under section 278 of the Highways Act 1980	£3487.12 per dwelling	Section 278 agreement to be completed before the grant of planning permission.  Payment of the contribution as per the section 278 agreement
<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 <a href="#">council web site</a> 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. 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>			

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**(B) Subject to the applicant entering into a section 278 agreement in relation to the SPG6 payments**

**(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, render, 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. No dwelling shall be commenced above ground level until the following details (at a scale of 1:20 or 1:50 as may be appropriate) have been submitted to and approved by the Local Planning Authority in writing and no further additions shall be made without subsequent further approval by the Local Planning Authority:-
  - a) windows and doors (including cill detail, depth of reveals within openings) and other external joinery.
  - b) dormer windows (including materials and details of materials for cheeks), bay windows
  - c) porch canopies (including materials and colour)
  - d) front door details (including glazed panels, colour and materials),
  - e) the form, colour and location of any necessary external meter boxes (including visual screening by landscaping),
  - f) rainwater goods down-pipes and final finish colour,

- g) any other external fittings to dwellings (including aerials, dishes and amenity lighting),
- h) balcony details (including guard and decorative railings and final colour finishes).
- i) details of proposed materials/cladding/finishing to the interior walls of the carbarns
- j) eaves details
- k) external extracts/vents / terminals (including any proposed venting to roofs) and details of final finish colour

**Reason:** Such fine details have not yet been submitted but are important in the interests of visual amenity and to ensure delivery of high quality development.

- 4. Details demonstrating the provision of level thresholds to all principal entrances of dwellings (and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided linking the principal entrance of a dwelling to that which forms the public realm).

**Reason:** To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

- 5. Full details of walls and fences (including materials and colour) 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.

#### Highways and Parking

- 6. The area shown on the drawing number 2179-77 as vehicle parking space, carbarns and turning 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

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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

7. 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 attached and detached 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 doors 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.

8. 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, no additional structural posts boundary fences or walls shall be created within the approved car barns without the prior permission of the Local Planning Authority in writing.

**Reason:** Additional structural posts have the capacity to obstruct the opening of vehicle doors and bring the minimum internal dimension below that forming Council SPD policy. Creation of fences and walls within car barn structures that serve more than one plot are similarly likely to reduce the usability of these covered allocated parking spaces leading to the displacement of car parking and subsequent inappropriate car parking. Fences and walls within such car barn structures may also adversely affect the external visual appearance of the car barn.

9. 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

10. 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.

#### Environmental Protection

- 11. Prior to the commencement of development, a scheme for protecting the dwellings hereby approved from noise from the M20 motorway shall be submitted to and approved in writing 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.

- 12. 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 subsequently be undertaken and submitted to the Local Planning Authority. Should remediation be required the following details shall be submitted and approved in writing by the Local Planning Authority:
  - a) 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). 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

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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.

- b) 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)

13. 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

#### Archaeology

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

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

#### Drainage/SUDs

15. Prior to the first occupation of any house, a rainwater butt shall be provided to serve each dwelling (with the exception of the first floor flat) and connected to a rainwater down pipe. Rainwater butts shall thereafter be retained.

**Reason:** To allow residents to store rainwater on site for the watering of soft landscaping in ground level private amenity areas and thereby reduce the demand for mains water on site.

16. 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. This detail shall include the following:

The final drainage and sewerage plan for the scheme will be approved by Ashford Borough Council in consultation with Southern Water 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



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modified surface water drainage strategy which satisfies the requirements of the SPD.

All discharging of surface water runoff will be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where practicable. 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 into a suitably agreed point of discharge.

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. 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.

If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

**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.

17. No infiltration of surface water drainage into the ground at the site is 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 controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To prevent pollution of controlled waters and comply with the National Planning Policy Framework.

Sustainable design and construction

18. 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

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natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features

Landscaping/Trees

19. No development shall take place until full details of both hard and soft landscape works including within the on-site open space/ecological meadow 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. 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

20. The details of soft landscape works required in condition 19 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.

21. 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

22. A landscape management plan for the ecological meadow, including long-term objectives, management responsibilities and maintenance schedules for this area, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of that phase of the development for its permitted use. The management plan shall be carried out as approved.

**Reason:** To ensure the ecological meadow is properly maintained in the interest of the amenity and biodiversity of the area.

23. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
- a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).
  - b) If any retained tree or shrub is cut down, uprooted, 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 LPA.

**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.

24. 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 protected during any operation on site by temporary fencing in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
  - (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

**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.

25. Prior to commencement of the development full details of all streetlight light fittings and any other external lighting to be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these details prior to the occupation of the dwellings.

**Reason:** To protect against light spillage and pollution and to harm to bat flight corridors

Restrictions to development/ use

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 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.

Other

27. 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.

**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. 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,
- 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.

3. 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.

4. Subject to the requirements of the above planning conditions, the applicant may wish to consider entering into combined management arrangements with those managing existing local play facilities, in respect of the new open space that would be provided in the development.

<b>Application Number</b>	16/00231/AS
<b>Location</b>	Scout Hut, Pett Lane, Charing, Ashford, Kent, TN27 0DL
<b>Grid Reference</b>	59578/14920
<b>Parish Council</b>	Charing
<b>Ward</b>	Charing
<b>Application Description</b>	Erection of a new single storey wooden building for use as a scout hut
<b>Applicant</b>	Mr Smith, 1 <sup>st</sup> Charing Scout Group, 2 Moat Park Houses, Ashford Road, Charing, Ashford, Kent TN27 0JL
<b>Agent</b>	N/A
<b>Site Area</b>	0.16ha

Original Consultation

(a) 4/- (b) Parish + (c) -

Reconsultation

(a) 4/35 S (b) Parish - (c) -

The Joint Development Control Manager drew Members' attention to the Update Report. She asked Members to note that 35 additional letters had been received with general and supportive comments, and she also pointed out revised conditions.

In accordance with Procedure Rule 9.3, Dr Lister, on behalf of the applicant, spoke in support of the application. Dr Lister wished to make three points: firstly, the building was 70 years old and in an irreparable state. There was no disabled access, toilet facilities or kitchen. Secondly, the application was originally proposed along the northern edge of the site. However, Charing Parish Council requested that a different site be used, along the hedge with the bowling club. It took up much more of the good quality, green field and was also on a gentle slope which made it more challenging for building. Dr Lister said that the applicant would accept the

Committee's decision on the preferred site of the new build. The third point was that 85 young people, boys and girls, between the ages of 6 – 15 used this facility every week. There were 13 leaders and 7 helpers. Sleepovers were supported by the local community, including the nearest neighbours. Officers had suggested restrictions which would prevent some activities taking place. The Club had operated without restrictions for many decades and there had been no complaints. Dr Lister requested the removal of any restrictions.

**Resolved:**

**(A) Permit**

Subject to the following conditions and notes:

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

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

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

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

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

4. The building shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

5. The use of the building for purposes hereby permitted shall only be carried out between the hours of 9am – 11pm Monday to Sunday, except for overnight sleepovers for 6-15 year olds organised by a scouting organisation.

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



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6. Within 1 month of the first use of the development hereby approved, the existing scout hut shown on drawing CSH/A1/01 RevA shall be removed / demolished and all arising materials shall be removed from the site

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land; to preserve the residential and visual amenities of the locality.

7. The building shall be used for the purposes of scouting and supportive and associated purposes and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order to preserve the amenity of the locality.

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

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

### Note to Applicant

1. 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 was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme.
- 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>	16/00306/AS	
<b>Location</b>	Land north of The Bungalow, Green Lane, Challock, Kent	
<b>Grid Reference</b>	59960/50452	
<b>Parish Council</b>	Challock	
<b>Ward</b>	Downs West	
<b>Application Description</b>	Change of use of land to equestrian and proposed manège	
<b>Applicant</b>	Mr N Ovenden, 5 Pottery Cottages, Naccolt, Brook, Ashford, TN25 5NX	
<b>Agent</b>	N/A	
<b>Site Area</b>	0.34 hectares	
(a) 4/-	(b) S	(c) EHM(EP) X

**Resolved:**

**(A) Permit**

Subject to the following conditions and notes:

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

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

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

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

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

4. The sand school hereby approved shall be used for private equestrian purposes only and not for any commercial riding, livery or other business use.

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land and having regard to the visual and/or residential amenity of the locality

5. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity of adjoining residents.

6. 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.

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**Note to Applicant**

## 1. Working with the applicant

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

In this instance:

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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<b>Application Number</b>	16/00425/AS
<b>Location</b>	1 Caravan Site Chilmington Green, Chart Road, Great Chart, Ashford, Kent, TN23 3DT
<b>Grid Reference</b>	98353/41054
<b>Parish Council</b>	Great Chart with Singleton
<b>Ward</b>	Great Chart with Singleton North
<b>Application Description</b>	Replacement of fire damaged utility block
<b>Applicant</b>	Ashford Borough Council – Community & Housing, Civic Centre, Tannery Lane, Ashford TN23 1PL

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**Agent** Mr A Cox, Harrisons Chartered Surveyors, 5 Kings Row,  
Armstrong Road, Maidstone, ME15 6AQ

**Site Area** 0.00ha

(a) 4/1R (b) + (c) KCC Arch +

**Resolved:**

**Permit**

Subject to the following conditions and notes:

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

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

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

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

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

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

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

## Note of Applicant

### 1. 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;

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

In this instance

- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.