

Application Number	15/01032/AS
Location	New Chimneys Bar And Restaurant, Loudon Way, Ashford, Kent, TN23 3JJ
Grid Reference	00119/42821
Parish Council	None
Ward	Godinton (Ashford)
Application Description	Erection of a new A1 Retail Foodstore adjacent to the New Chimneys Public House
Applicant	Mr Roe c/o Agent
Agent	Brian Mullin, Marrons Planning 1 Meridian South Meridian Business Park Leicester, Leicestershire, LE19 1WY
Site Area	0.587 hectares

(a) 53/21R 4S 1 X (b) - (c) KH&T R, EHM X, PO
(Drainage) R, KCC Arch X,

Amendments

(a) 53/3R (b) - (c) KH&T X, EHM X, PO
(Drainage) X, ,

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member due to the level of public interest.

Site and Surroundings

2. The application site comprises 0.587 hectares and comprises part of a large car park which presently provides 150 spaces (of which 104 are within the applicant's ownership) and the New Chimneys Bar and Restaurant which lies to the west. The site is located on the Godinton Park estate (a predominantly residential area). To the south east are the single storey village hall and a small parade of commercial units with flats above; these are 4 storeys in height.

3. The site falls within an area covered by a historic Tree Preservation Order (TPO), the trees this covered were removed to make way for the Godinton Local Centre and New Chimneys. Those trees that remain are located outside the application site. This site also sits within a contaminated land buffer zone and is a known area of archaeological potential. No trees are proposed to be removed by the application.
4. The site backs onto the Repton Park residential development, where a connection between Repton Park and Loudon Way is planned. At present the nature of this connection has not been agreed.
5. A plan showing the location of the site in its wider context is appended at Annex 1.

Proposal

6. Full planning permission is sought for the erection of a single storey A1 retail building. The development also includes a small service yard to the rear of the proposed building, consisting of a 2m high metal enclosure with matching lockable gates. The existing and remaining car park is to be rearranged, with two areas of planting proposed to the front of the site to replace that lost as part of the proposed development. The existing access would be retained, with minor improvements to allow for delivery vehicle turning. Three cycle stands providing 6 secure cycle parking spaces are also proposed. 74 car parking spaces within the applicant's ownership would remain.



Figure 1 Site Layout



Figure 2 South-west Elevation



Figure 3 South-east Elevation

7. The building would be constructed in brick and plain tile. The proposals, following officer advice, take their cue lead from the Kentish vernacular exhibited in the immediate surroundings. The designs of the two main facades include steeply pitched gables with a plain tile roof found on both the New Chimneys and Village Hall. The main facade to the street has been provided with windows and doors to provide animation and greater articulation;
8. The agent makes the following further comments in support of the application:
 - the scheme provides greater clarity on the extent of public realm and positively addresses the matter of security to the rear of the pub;
 - the parking survey concludes that there would be sufficient parking capacity to accommodate the development and operation of all community facilities in the local centre and this has been comprehensively endorsed by the Highways Authority;

- no adverse viability issues would arise as a result of the development but to the contrary, the development would likely result in more trade with a larger capture of spend being drawn to the area, improving and enhancing not only the vitality and viability of the pub but the other community facilities in the area.
- the development offers a lifeline to the existing pub business, generating a windfall to reinvest capital back into the pub;
- the retail floor space generated can comfortably be accommodated on the site and would not represent a visual overdevelopment of the site;
- suitable parking provision would be maintained on the site for use by the development and existing users, as well as adequate space for delivery vehicle manoeuvres;
- the proposed building has been sited to avoid any potential impact on nearby protected trees and maintains an informal building line established by neighbouring buildings;
- the proposed building is simple and modest in appearance and this, together with its height, would sit comfortably within the overall neighbourhood scene;
- the scheme makes sufficient provision for cycle parking spaces;
- the development would not harm the character and appearance of Godinton Park;
- no works to/removal of any trees are proposed as part of the development;
- the development is of high quality and sustainable design that makes best use of previously developed land and would introduce a new business to the borough, providing local jobs and serving the needs of the local community;
- the development exceeds the number of parking spaces required by the development;
- the development accords with the 12 core planning principles outlined in the NPPF;
- the development is significantly smaller than the threshold set out in the NPPF to warrant a retail impact assessment; and,
- the development is a direct response to the needs of the local community for contemporary and modern local shopping facilities.

9. In addition, the following documents accompany the application:
- Arboricultural report: this concludes that the car park is already over the root protection areas (RPAs) of nearby trees and the proposed building is sited away from these and so the development would not have a detrimental effect on retained trees.
 - Preliminary Ground Contamination Risk Assessment report: this did not identify any potentially significant sources of contamination.
 - Archaeological Desk-Based Assessment: this found a low to moderate potential for early prehistoric occupation and moderate potential for medieval and post medieval occupation, recommending an archaeological watching brief to be held on any intrusive groundworks forming part of the development.
 - Drainage Strategy: this states that as the proposed building is to be erected on an existing area of hardstanding, there would be no increase in permeable areas and so it is proposed to maintain the existing arrangement of surface water flows into the ditch at the rear of the site. However, if a site investigation reveals that the ground is suitable for soakaways, then this would be considered as an option. Also, the foul drainage for the development is likely to connect to the existing drainage on the site and then indirectly connect to the foul water manholes at the entrance.
 - Transport Statement: two surveys were carried out on a consecutive Friday and Saturday in October and found 3 notable peaks in parking demand (Friday AM and Friday and Saturday PM), with the development generating a peak parking demand on Friday PM of 127 vehicles (7 in excess of the proposed parking provision). Vehicle tracking plans were also provided, showing that a 12m long delivery vehicle would be able to turn within the site.
10. Following the consultation process officers raised concerns relating to the design and siting of the proposed building, the loss of parking and the development conflicting with/prejudicing the implementation of the proposed Loudon Way link.
11. The applicant has amended the design of the proposed building to closer reflect the traditional pitched roof forms found on the public house and village hall. The proposed building has been re-sited to allow for the potential Loudon Way link and a transport assessment was carried out.

Planning History

12. The following applications have been approved adjoining the application site:
- 86/00732 - Erection of 250 houses, 18 flats, sheltered housing scheme of 50 flats, warden's and communal accommodation, pub/restaurant with 2 staff

flats, 4 shops with 8 flats over, together with all parking and garages, roads and footpaths.

- 02/01565/ AS – Outline planning permission for up to 1250 dwellings (Repton Park)
- 12/00176/AS – Reserved matters for development on Parcel 30 (Phase 2C South) for 30 dwellings, together with associated car parking, landscaping and infrastructure
- 11/01399/AS - Reserved matters application for development on Parcel 29 (Phase 2B South) for 49 dwellings, together with associated car parking, landscaping and infrastructure.

Consultations

Original Submission

Ward Members: One of the Ward Members (Councillor Heyes) is a member of the Planning Committee.

Kent Highways & Transportation - object to the application on the following grounds:

'The proposed retail food store is directly in the way of the proposed Loudon Way Link which will link Repton Park and Godinton Park. The Section 106 Agreement for Repton Park (02/01565/AS) requires this link to be provided and the Repton Park consortium needs to be in discussion with the Godinton Park local centre car park to provide this link. An alternative location away from the Loudon Way link therefore needs to be provided and discussions with the Borough Council should be sought by the applicant to determine the most suitable location for the proposed food store'

and comment that a car parking accumulation survey should be undertaken to ascertain the current usage of the car park.

53 Neighbours - 26 representations received.

1 making the following comments

- restrictions should be placed on delivery times in a residential area;
- a post office counter within the proposed shop would be welcomed; and,
- planted areas to the front of the car park would be attractive

21 and petition objecting to the application on the following grounds:

- the site is heavily used by Godinton Primary School in the mornings and afternoons and by the adjacent pub/restaurant and village hall in the evenings and weekends - the development would reduce the amount of parking available forcing cars to park on the roadside and greatly increasing the volume of traffic (and air pollution) on the estate, increasing the risk of car accidents;
- the existing shop would go out of business and there is no need for the development as there is a Waitrose nearby

[HoDSS&D Manager Comment: there is no policy requirement to demonstrate a need for the development]

- risk to parked vehicles when delivery trucks arrive

[HoDSS&D Manager Comment not a planning issue but a private matter]

- high noise levels during construction

[HoDSS&D Manager Comment hours of construction can be controlled by condition and any complaints would be dealt with by Environmental Health);

- the development would conflict with the proposed link road through Repton Park

[HoDSS&D Manager Comment the proposed building has since been re-sited to avoid this)

- the design of the development is poor (bland and featureless and makes no attempt to reflect the detailing, roof forms and massing of adjacent buildings) and would have a detrimental impact on neighbouring buildings and the street scene;
- noise caused by air conditioning units

[HoDSS&D Manager Comment these are not proposed as part of the development);

- no financial information has been submitted that the development is required to enable the continued economic viability of the adjacent pub (again, there is no policy requirement for this)

and 4 supporting the application on the following grounds:

- the current facilities are basic and offer very little at a high price;
- there is so much unused space on the car park;
- the development would benefit local residents and the community;

- the site is currently untidy and the development would improve the landscaping; and,
- the proposed changes to the access would improve visibility.

Environmental Health - question whether there is an intention to provide externally sited A/C units for refrigerated storage of perishable goods

[HoDSS&D Manager Comment: I recommend that any permission secure details of any external A/C units or similar by condition]

KCC Heritage - comment that a condition re: watching brief should be attached to any permission granted.

Project Office (Drainage) - comment that there is insufficient information to comment on the surface water management of the site as no information on surface water management has been provided.

Amended plans

Kent Highways & Transportation - following the submission of the transport statement, raise no objection subject to conditions re: construction management route, the car park remaining open as the school pick up/drop off point and the provision and retention of car/cycle parking spaces and vehicle loading/unloading and turning facilities.

Project Office (Drainage) - following the submission of a drainage strategy, raise no objection subject to a condition re: SUDs.

53 Neighbours - 3 representations received and petition of 206 signatures received, objecting to the application on the following grounds (in addition to those above):

- there is already a convenience store, Waitrose and Sainsburys and the town centre nearby nearby and the development in addition to these would mean the closure of the existing shop and the loss of jobs;
- dangerous access design;
- no provision for articulated lorries to access the site (vehicle tracking plans were provided with the transport assessment);
- the development would need to consider child safety;
- the development would destroy the quiet environment for nearby residents; and,
- a food store was refused at the Repton Park development and the application should be refused on similar grounds (each application is assessed on its own merits).

Planning Policy

13. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
14. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

SH6 – Local and Village centres and individual shops

EN32 – Important Trees and Woodland

Local Development Framework Core Strategy 2008

CS1 – Guiding principles for sustainable development.

CS9 – Design quality.

CS15 – Transport.

CS 16 – Retail

CS20 – Sustainable drainage

Urban Sites and Infrastructure Development Plan Document 2012

U0 – Presumption in favour of Sustainable Development

Local Plan to 2030

SP1 – Strategic Objectives

SP6 – Promoting High Quality Design

EMP1 – New Employment Uses

EMP10 – Local and Village Centres

TRA3(b) – Parking Standards for Non-Residential Development

TRA5 – Planning for Pedestrians

ENV1 – Biodiversity

ENV4 – Light Pollution and Promoting Dark Skies

ENV6 – Flood Risk

ENV9 – Sustainable Drainage

ENV15 – Archaeology

15. The following are also material to the determination of this application:-

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD

Dark Skies SPD

Government Advice

National Planning Policy Framework 2012

16. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
17. The NPPF contains a ‘presumption in favour of sustainable development’ policy. This policy is described as being at the heart of the planning system and is therefore central to the approach taken to both development plan preparation and individual planning application decisions. The Presumption policy requires local councils to plan positively for new development, and importantly approve all individual proposals wherever possible without delay. (Ministerial Forword and Para. 14)
18. The NPPF is designed to facilitate positive growth – making economic, environmental and social progress for this and future generations and delivering sustainable development without delay. The policy document holds a ‘pro-growth’ agenda. Paragraph 21 highlights some crucial points in this respect, including:
- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
 - investment in business should not be over-burdened by the combined requirements of planning policy expectations
 - policies should be flexible enough to accommodate needs not anticipated in the plan and allow a rapid response to changes in economic circumstances
 - Local plans should identify priority area for economic regeneration, infrastructure provision and environmental enhancement.
19. Paragraph 23 requires that planning policies should be positive and promote competitive town centre environments. It continues that town centres are at the heart of their communities and that they should provide customer choice and a diverse retail offer and which reflect the individuality of town centres. Paragraph 24 sets out the town centre first approach which is crucial in achieving these aspirations.
20. Para 37 notes that planning decisions should aim for a balance of land uses in an area so that people can be encouraged to minimise journey lengths for, inter alia, shopping purposes.
21. Paragraph 58 highlights the importance of Design with developments being required to provide sense of place characteristics of individual centres within the area.
22. Paragraph 70 highlights that provision of local shops enhances the sustainability of communities and residential environments, by assisting the communities ability to meet its day-to-day needs and that modernisation of facilities will be to the benefit of the community.
23. The NPPF clarifies that references to 'Town Centres' includes identified local centres such as Godinton Local Centre.

NPPG

24. Government advice contained in Paragraph 001 of the National Planning Policy Guidance – Ensuring the vitality of town centres, sets out that local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work.

Assessment

25. The main issues for consideration are:
- (a) The principle of the proposals, i.e. how the redevelopment of the site fits within the existing local and national planning polices in terms of use and location;
 - (b) Visual Amenity
 - (c) Residential Amenity
 - (d) Parking and Highway Safety
 - (e) Archaeology
 - (f) Drainage
 - (g) Trees
 - (h) Other issues raised by consultees/objectors.
- (a) Whether the principle of retail development in this location is acceptable?
26. Policy CS1(J) states that the Council will provide a commercial environment conducive to encouraging new and existing businesses. In addition, policy CS16: Retail, states that the Council will encourage enhancement of existing facilities in Local Centres (Urban Neighbourhoods)
27. As set out in the Policy section of this report, paragraph 23 of the NPPF requires Local Planning Authorities to promote and support competition and encourage a diverse retail offer. I consider that the provision of further small-scale retail development would do just this.
28. Policy EMP1 of the draft Local Plan to 2030 is supportive of new employment development and states that the provision of new employment floorspace within the built confines will be permitted where:
- (a) The character of the area is not damaged
 - (b) There would be no significant impact on the amenities of neighbouring residential uses
 - (c) Appropriate provision of parking and access is provided and
 - (d) The development would not adversely affect the highway network.

Criterion (a) – (d) are dealt with in later sections of this report.

29. Emerging policy EMP10 states that small scale retail development which can help contribute to meeting the local shopping needs of the area and therefore would help contribute to the boroughs economy will be supported in Local Centres. In terms of need the policy does not state that a needs assessment is required. Moreover the policy supports proposals which could be considered to meet a local need such as a new convenience shops as opposed to say a regional/strategic shopping need. In this regard the policy is scale dependant.
30. Notwithstanding the above, policy EMP10 is a draft policy and can only be afforded limited weight.
31. The Ashford Borough Local Plan 2000 (policy SH6) identifies Godinton Park as a local centre within Ashford, where the policy highlights the importance of diverse local centres and the role that they can play in providing for local shopping needs, reduce the need to travel and act as a focal point for the community. There are no policies in the ABLP2000 which restrict against new small scale retail uses in Local Centres. In fact SH6 of the ABLP 2000 specifically seeks to prevent the loss of units.
32. I note the concerns of residents highlighting their view that there is no need for further retail development in this location, given that there are existing facilities. However, through the introduction of the NPPF and consequential revocation of former PPS4, the advice contained in Central Government policy (NPPF) is clear that LPA's should not be assessing need when considering applications for new retail development outside town centres in acceptable locations. In addition the advice is clear that it is not the role of the Local Planning Authority to restrict retail development in acceptable locations on the basis of lack of evidence of need.
33. In light of the above, the development is considered to accord with policies SH6, CS1(J), CS16, U0, SP1, EMP10 and the aims of Central Government. The development is therefore considered acceptable in principle, given the sites location and limited floor space,

(b) Impact of the development on the visual amenity of the area

34. The NPPF para.58 attaches great importance to the design of the built environment and states that development should respond to local character and history and reflect the identity of local surroundings and materials.
35. The proposed building has been re-sited to provide space for the Loudon Way link to be provided to Repton Park, the building line continues that of the adjacent pub and its scale would not be out of character with neighbouring buildings.

36. The design of the proposed building is simple yet it picks up on vernacular traditions found in the immediate vicinity, with the gable end front projection echoing the roof form of the adjacent village.
37. In terms of scale it is subordinate to the pub and commensurate in scale with the village hall.
38. The external arrangement provides active frontage to the car park and potential Loudon Way Link route as well as onto Loudon Way itself.
39. In light of the above I am satisfied that the proposed development would not result in visual harm to the local centre nor the wider area - subject to securing high quality materials and therefore complies with policies CS9, SP6 and EMP1(a)

(c) Residential Amenity

40. Given the proposals limited bulk, scale and distance from/relationship with neighbouring dwellings, I consider that the development would not be harmful to residential amenity through overbearing impact. The proposals have potential to introduce additional noise generating elements into the locality which could potentially harm residential amenity such as though customer activity, delivery vehicles, air extraction/refrigeration plant and litter.
41. Dealing with the potential for customers to congregate outside the new shop. It is my view that this potential already existing from patrons in the beer garden of the public house and from users of the existing centre. As the shop would reduce the amount of beer garden available and limit the area for congregation away from existing properties in Repton Park I do not consider that the development would result in significantly more noise being generated by customers.
42. Clearly deliveries, the shops operational hours and extraction equipment have potential to generate noise but I am satisfied that these issues can be successfully controlled by conditions.
43. I would also recommend a condition requiring the applicant to provide waste bins for use by customers and passers-by.
44. In light of the above I am satisfied that the proposals would not result in harm to residential amenity and would comply with EMP1(b)

(d) Impact on Parking provision and Highway Safety

45. The parking surveys were informed by discussions with Kent Highways and Transportation. The results are considered to be representative of a small scale development operating during a normal working week, and when the nearby school was operating.

46. The transport assessment considers the retention of 74 parking spaces within the applicant's ownership to be sufficient to accommodate the development and serve the existing pub. Whilst it did find that demand would exceed supply on the Friday PM by 7 cars, this is not considered to be significant.
47. Kent Highways and Transportation raise no objection to the existing access being utilised and do not consider that the development would increase the risk of accident. They highlight that the majority of parking need is generated by parents during school drop off and pick up. It is of importance to note that the car parking is private and that the applicant could control parking here at any time without first seeking permission from the Council.
48. Louden Way is a 7m wide road with no parking restrictions and I am satisfied that the limited amount of extra demand could easily be absorbed with the road if necessary.
49. The proposals benefit from existing pedestrian connections and do not preclude the ability of the Repton Park development to connect further into the site.
50. Given this, I consider that the development would retain sufficient off-road parking to accommodate the development and not therefore result in harm to highway safety. Policies CS1, CS15, EMP1(c) & (d), TRA3(b) and TRA5 are complied with.

(e) Archaeology

51. The site is within an area of prehistoric and Roman activity, where remains of Iron Age and Romano-British occupation have been located during development at Ashford Barracks and similar archaeology may survive on this site. KCC Heritage consider the desk based assessment by Heritage Collective to provide a good account of the baseline heritage interest of the site and recommend a watching brief condition to be attached to any permission granted.
52. With these safeguards in place, I do not consider that the development would be harmful to archaeology and therefore complies with policy ENV15

(f) Drainage

53. The site is predominantly impermeable and therefore the development is unlikely to provide a significant increase in runoff. The indicative drainage strategy shows that the proposals are likely to continue either draining into the existing surface water ditch to the north of the site or the Southern Water water sewer system to the south and the existing drainage regime should be maintained. Connecting to the Southern Water Sewer is not a SuDs features and I therefore recommend we seek SuDs through a condition confirming the appropriate management of surface water. In light of this I consider that the development is unlikely to cause

drainage issues. I am therefore satisfied that the proposals comply with policies CS1, Cs19, CS20, ENV6 and ENV9.

(g) Trees

54. No works to/removal of any trees are proposed as part of the development, therefore the development would not be harmful to any protected trees.

(h) Other issues raised by consultees/objectors.

55. Hours of construction can be suitably controlled to protect local residents from noise and disturbance outside or normal working hours.
56. Notwithstanding the comments from the applicant linking this application to the economic viability of the New Chimneys public house, this application has not been considered as enabling this and has instead been assessed on its own merits.
57. As set out in the history section of this report there have been no refusals for new shops at Repton Park.

Human Rights Issues

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

Working with the applicant

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

Conclusion

60. The proposals are located within an identified Local Centre where the principle of retail development, at this scale, accords with local and national policies (NPPF, NPPG, CS1, CS6, SH6, EMP1 and EMP10), which encourage employment opportunities.

61. The proposals are suitably designed for the location and would not represent a discordant or harmful form of development to the visual amenity and character of the area as required by policies CS1, CS9, SP1, and EMP1
62. The relationship with other buildings and dwellings is considered and would not adversely affect their operation or residential amenity. (EMP1)
63. The proposals retain sufficient parking provision, as required by policy CS15, TRA3(b) and EMP1 to meet the needs of the new shop but also the existing uses within the Local Centre. I do not consider the limited shortfall identified above to be materially harmful and I therefore satisfied that the proposals would not result in harm to highway safety.
64. Kent Highways and Transportation raise no objection to the proposal. I am satisfied that the impact of the proposal in highway terms is acceptable.
65. No significant harm to the visual amenity of the surrounding area would be caused by the proposed development.
66. Overall I consider that that the development complies with the policies of the Development Plan and should be granted permission.

Recommendation

(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. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday unless otherwise agreed in writing by the Local Planning Authority.

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

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 notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification)

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 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.

5. Prior to commencement of the development hereby approved the relevant details set out below in respect shall be submitted to and approved in writing by the Local Planning Authority and, thereafter carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) 1:100 elevation detailing the locations of all expansion joints in facades.
- (c) prior to installation - Details of any plant or machinery proposed on the roof and associated screens,
- (d) prior to installation - Details of any satellite dishes or antenna,
- (e) prior to installation - Details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- (f) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

6. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

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

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

8. 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.

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

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

10. Prior to the first use of the development hereby approved details of external lighting for that plot shall be submitted to the local planning authority and agreed in writing. The details shall include:
- i) Details of the lighting fixtures and location
 - ii) Details of the colours of the light
 - iii) Hours of operation
 - iv) Details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution

The approved lighting shall be installed prior to occupation of the relevant plot and no further external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

11. Prior to commencement of the development hereby approved precise details and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development within that plot shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

12. No vents or flues shall be located on any façade of the buildings hereby approved other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or as per details already shown on the approved drawings.

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

13. Prior to the commencement of the development hereby approved a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of each plot shall then be carried out in accordance with the approved Code of Construction Practice for the relevant plot 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 of Construction Practice shall include, Management Plan to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries (no deliveries between 08:30- 09:30 and 14:50- 15:50, during term time)
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

Reason: In the interests of high way safety.

14. The areas shown on drawing number (X) as vehicle parking, loading, off-loading and turning space, shall be paved 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 premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

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

15. The approved bicycle storage hereby approved shall be completed prior to occupation of the development and shall thereafter be retained.

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

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.

Where considered practicable by the Local Planning Authority 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 final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. If surface water is discharged into the existing public sewer permission must be obtained by the applicant via written confirmation from Southern Water of their agreement to the proposals.

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). Permissions for discharge of surface water to a receiving watercourse should be provided to the Local Planning Authority. Any required authorisations (Land drainage consents) for the discharge structure should also be provided.

No building hereby permitted 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.

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 development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

18. Prior to the commencement of the development hereby approved, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or

ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: To protect the residential amenity of the locality

19. The premises shall not be open to the public other than between the hours of Monday to Saturday 0730 to 2200; and on Sunday and Public/Bank Holidays between 0730 and 1800;.

Reason: To protect the residential amenity of the locality

20. No external machinery shall be operated, no external process shall be carried out and no deliveries taken at or dispatched from the site outside the following times 0730 to 1900 Monday to Saturday nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the residential amenity of neighbouring residents

1. 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.
2. Working with the Applicant

Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

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

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/01032/AS.

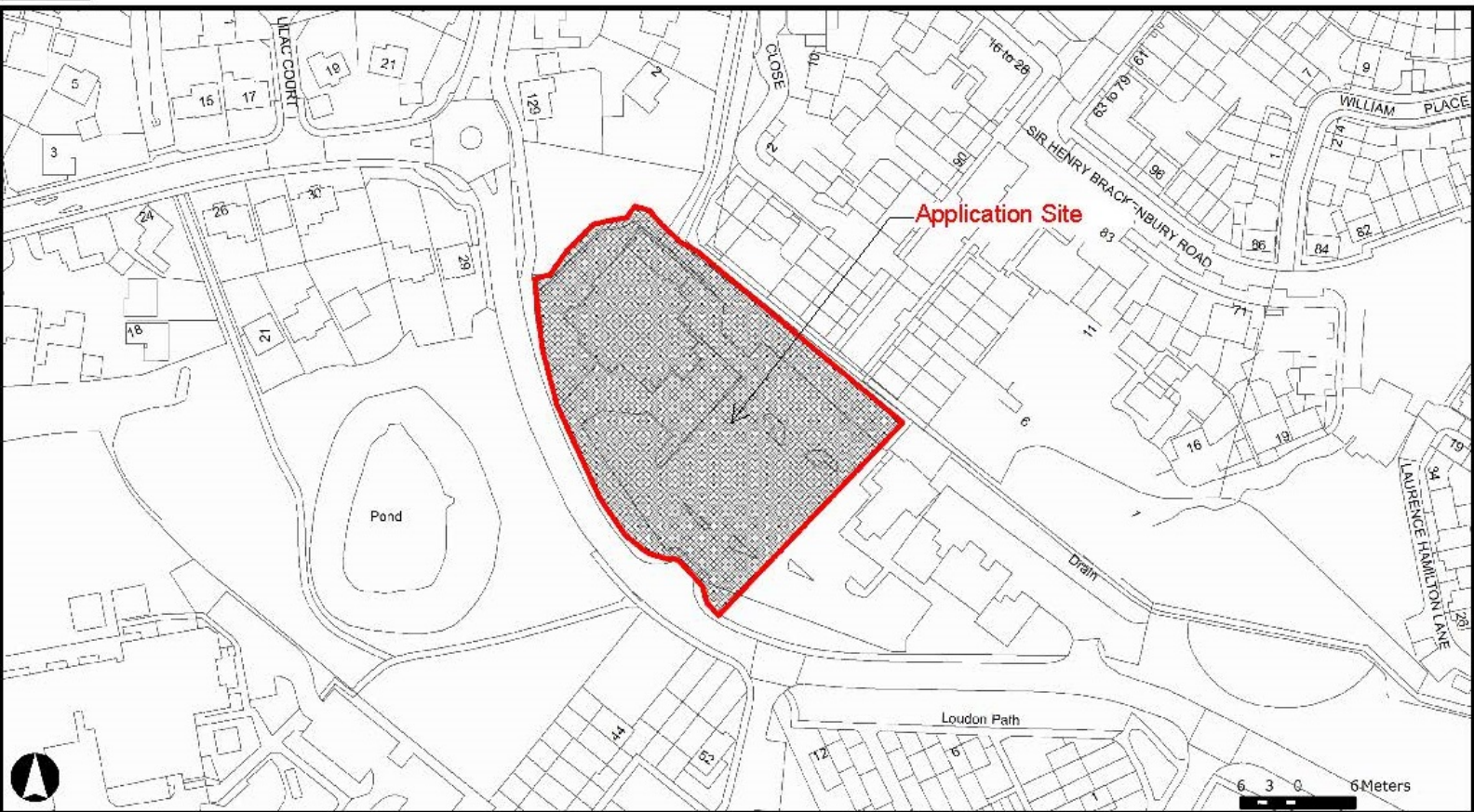
Contact Officer: Llywelyn Lloyd

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Ashford Borough Council - Site Location Plan



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