

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **20th July 2016**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Apps, Bennett, Mrs Blanford, Bradford, Clarkson (ex officio), Clokie, Dehnel, Galpin, Heyes, Krause, Ovenden, Powell, Wedgbury.

Apologies:

Cllrs. Chilton, Murphy.

Also Present:

Cllrs. Mrs Dyer, Feacey, W. Howard, Miss Martin, Sims, White.

Chief Executive; Director of Development; Joint Development Control Manager; Head of Development Delivery; Head of Development, Strategic Sites and Design; Senior Urban Designer; Senior Planning Officer & Urban Designer; Building Control Manager; Local Transport and Development Planner (Kent Highway Services); Head of Environmental and Customer Services; Grounds Maintenance Operations Manager; Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

88 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Blanford	Made a Voluntary Announcement as she was a member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	90 – 16/00303/AS 16/00045/AS
Bennett	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society and the Tenterden and District Residents' Association.	90 – 16/00045/AS
Burgess	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	90 – 16/00045/AS
Clarkson	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society.	90 – 16/00045/AS

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Clokie	Made a Voluntary Announcement as he was a member of the Weald of Kent Protection Society and the Tenterden and District Residents' Association.	90 – 16/00045/AS
Heyes	Declared an Other Significant Interest as he lived close to the site. He would speak as the Ward Member and leave the room for the debate and vote.	90 – 16/00562/AS
Ovenden	Declared an Other Significant Interest as his business premises was directly opposite the site. He would leave the room for the debate and vote.	90 – 16/00562/AS
Wedgbury	Made a Voluntary Announcement as he was the KCC Member for Godinton Ward.	90 – 15/01032/AS 16/00562/AS

89 Minutes

Resolved:

That the Minutes of the Meetings of this Committee held on the 18th May 2016 and 15th June 2016 be approved and confirmed as a correct record.

90 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: -

Application Number	16/00303/AS		
Location	Land between Canterbury Road and Lees Road, Brabourne, Kent		
Grid Reference	08309/40778		
Parish Council	Brabourne		
Ward	Saxon Shore		
Application Description	Outline Planning Application for up to 125 residential dwellings at land east of Lees Road, Brabourne Lees (including up to 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Lees Road and associated ancillary works. All matters to be reserved with the exception of main site access.		
Applicant	Gladman Developments Ltd		
Agent	Gladman Developments Ltd		
Site Area	9.65 Hectares		
(a) 62/249R/1S Petition/573R	(b) Brabourne R (x2); (Adj) Smeeth R	(c) KH&T – R, Police – X, ABC (SUD’S) – X, KCC (SUD’S) – X, SW – X, EHM – X, KWT – R, KCC (ECO) – R, SW – X, KCC (DC) – X, ABC SSOS – X, AONB – X, CPRE – R, KCC (ARCH) – X, KCC (PROW) – X,	

The Joint Development Control Manager (JDCM) drew Members’ attention to the Update Report. He advised that there was an important application status update and consequential change to the Recommendation. The applicant had recently lodged an appeal against the Council’s failure to determine the application within the statutory time period. He explained that once an appeal had been lodged and found to be valid, it was out of the Council's control to make a decision. The Planning Inspectorate were currently considering whether the appeal was valid, and as a consequence it was proposed to change the Recommendation to be either “Refuse on the following grounds” or, if before a decision was issued by the Council and the appeal had been validated, that the Committee had “Resolved to have refused the application on the following grounds” . This would form the Council’s defence for

that appeal. The JDCM also advised that there were minor changes in the grounds for refusal, and a summary of a representation recently received from Brabourne Parish Council. It was proposed to replace paragraphs 43 and 44 with alternative text and insert an additional paragraph 44A and the JDCM drew Members' attention to the advice contained within these paragraphs. He also pointed out several typos, and advised that a number of documents were appended to the Update Report, at the request of one of the Ward Members. Representation had been received from Kent Highways & Transportation and there were updates to Table 1 beginning on page 1.41.

In accordance with Procedure Rule 9.3, Dr Moorby, on behalf of the Campaign to Protect Rural England (CPRE), spoke in objection to the application. Dr Moorby said that CPRE had already put in a robust objection to the application, and supported the Officer's Recommendation to refuse the application. The development would damage the setting of the AONB, and the addition of houses would adversely affect the public footpaths. The land was in agricultural production at the moment although the grade of land was not stated. However, if Grade 1, 2 or 3a it should not be developed. The potential effects of these houses on the habitat and biodiversity of the area had not been adequately assessed in the application.

In accordance with Procedure Rule 9.3, Mr Hickmott, on behalf of Brabourne & Smeeth Parish Council, spoke in objection to the application. He said over six generations of his family had lived in the village and he cared passionately about his birthplace. Brabourne Lees was set at the foot of the downs in an AONB and was a typical Kentish village with narrow rural lanes. The Parish Council and residents were deeply concerned by the potential adverse impacts of this unwanted proposal to build up to 125 houses in open countryside, beyond the confines of the village. The Parish Council was unanimously opposed to this application and would take every step to protect the village. The village was almost unanimously opposed to the development, and hundreds of objections had been made by local residents, which was a weighty material consideration. The Parish Council was in no doubt that the proposal would destroy the character and rural tranquillity of the village, as well as the views to the North Downs. The land was not put forward by the land owners or their agents in the recent Call for Sites. The proposal breached the countryside protection and spatial distribution policies of the Council's Adopted Development Plan. It was the Parish Council's views that the Development Plan policies remained of paramount importance and relevance. The Council's Adopted Core Strategy directed most of the new housing in the Borough into growth and urban areas. The strategy also protected rural settlements, such as Brabourne Lees, from the type of speculative development now proposed. In the Parish Council's view refusal of this application would be consistent with the Development Plan and the NPPF. The Parish Council considered that serious adverse impacts and policy breaches would arise if the development were carried out, and this would create a precedent in the Borough. Mr Hickmott asked Members to refuse the proposal.

Both Ward Members attended and spoke in objection to the application.

Resolved:

Refuse (or if a valid appeal has been lodged already the committee resolve to have refused the application)

on the following grounds:

1. The proposal would be contrary to Policies CS1 & CS15 of the Local Development Framework Core Strategy 2008, Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12 and EN9 of the Ashford Borough Local Plan 2000, and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be significantly and demonstrably outweighed by the benefits of the development cited by the applicant, for the following reasons;-
 - (a) the scale of development proposed would have a significant adverse impact on the character of the undulating and sensitive landscape forming the setting of, and northern entrance to, Brabourne Lees
 - (b) the scale of development proposed would have an adverse impact on the expansive views currently available from the site to the Kent Downs and the way in which the visual qualities are enjoyed by users of public rights of way crossing the site allowing full appreciation of the landscape and the AONB beyond would be adversely affected
 - (c) the illustrative master plan layout in support of the capacity of the site to accommodate the maximum number of homes proposed would represent a contrived layout for which no contextual or morphological analysis has been submitted for consideration and would also erode the pleasing rural character of the public rights of way that run through the site and therefore the capacity of the site to acceptably accommodate the maximum number of homes proposed is unproven
 - (d) the scale of development would disrupt the pleasing tranquillity of the countryside around Lees Road through the numbers of vehicle movements that a 125 home scheme would create and which would be served via that road.
 - (e) The proposal would result in a significant increase in vehicular traffic on the surrounding road network resulting in further damage to these roads and their verges; causing detriment and danger to non motor vehicle users of these roads as well as inconvenience and danger to motor vehicle users. This would result in detriment and harm to the character and appearance of this rural area, the visual amenity of the area as well as to non motor vehicle

safety / highway safety.

2. The proposal would conflict with policies CS1 and CS6 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policy GP12 of the Ashford Borough Local Plan 2000 and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be significantly and demonstrably outweighed by the benefits of the development cited by the applicant, for the following reasons:-

(a) it would not protect , landscape character, visual amenity or scenic value and would result in a significant extension to a rural community.

(b) the scale and quantity of the development proposed would be out of proportion to the size, scale and character of Brabourne Lees

3. The proposal would conflict with policies CS1, CS9 and CS11 of the Local Development Framework Core Strategy 2008 as the full range of ecological surveys needed to fully assess the ecological and biodiversity impacts that would arise from the proposed development have not been submitted for consideration. Therefore, insufficient evidence has been submitted to support the proposal in terms of either the absence of ecological / biodiversity harm, or existence of harm that can be mitigated in an acceptable manner.
4. The necessary planning obligations has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations;-

- (i) affordable housing,
- (ii) carbon on off-setting,
- (iii) primary schools,
- (iv) secondary schools,
- (v) libraries,
- (vi) community learning,
- (vii) youth service,
- (viii) adult social care,
- (ix) sports – outdoor pitches,
- (x) informal / natural project,
- (xi) children's and young people's play project,
- (xii) allotments project,
- (xiii) strategic parks project,

- (xiv) cemeteries project, and
(xv) monitoring fee.

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p>Affordable Housing</p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's</p>	<p>43 Affordable Units</p> <p>Breakdown to be agreed at Reserved Matters Stage</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>
2.	<p>Carbon Off-Setting Contribution</p> <p>Contribution for funding carbon savings (excluding</p>	<p>To be calculated using the shadow price of</p>	<p>Payable on the occupation of each dwelling</p>

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	infrastructure) based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years	carbon set out in the Sustainable Design and Construction SPD	
3.	Primary Schools Towards the new Finberry Primary School at Finberry (Cheeseman's Green)	£4,000 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
4.	Secondary Schools Phase 1 Norton Knatchbull School Expansion	£2359.80 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
5.	Libraries Towards the additional bookstock required to meet the demands of the additional borrowers from this development	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
6.	Community Learning Towards additional equipment, namely IT dongles, mobile	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	projector and tablets		dwellings
7.	Youth Service Towards the conversion works at the North Youth Centre in Ashford	£27.91 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
8.	Adult Social Care Towards the Age UK community resource day centre for the disable at Farrow Court, Ashford	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
9.	Sports – Outdoor Pitches	£1,324 per dwelling for capital costs £326 per dwelling for maintenance	
10.	Informal/Natural Green Space Project	£362 per dwelling for capital costs £325 per dwelling for maintenance	
11.	Children's and Young People's play Project	£649 per dwelling for capital costs £663 per dwelling for maintenance	
12.	Allotments Project	£258 per dwelling for capital costs £66 per dwelling for maintenance	
13.	Strategic Parks Project	£146 per dwelling for capital costs £47 per dwelling for	

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
		maintenance costs	
14.	Cemeteries Project	£284 per dwelling for capital costs £176 per maintenance costs	
15.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<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 council web site 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>			

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 ,
- 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.

Application Number	16/00045/AS		
Location	Land between Smarden Charter Hall and Weathercock, Pluckley Road, Smarden, Kent		
Grid Reference	88695 / 42488		
Parish Council	Smarden		
Ward	Weald North		
Application Description	Outline planning application for up to 50 residential dwellings with all matters reserved except for access.		
Applicant	Gladman Developments Ltd		
Agent	Gladman Developments Ltd		
Site Area	3.33ha		
(a) 88/87R Smarden Charter Hall – R	(b) R	(c) KH&T - X, NE - -, KCC (SUDS) - R; KCC (Eco) –R, KCC (Her) – X, KCC (PROW) - +, RA – X, WKPS – R, SW - +, PO - +, Refuse - +, EHM - + Headcorn Aerodrome - +, Smarden Women’s Inst – R, Good Neighbour Scheme – R CPRE - R	
<u>Amends:</u>		KH&T – X, KCC (Eco) – X KCC (SUDS) – X, PO - X Stagecoach - X	

The Head of Development, Strategic Sites and Design drew Members’ attention to the Update Report. 21 additional letters of objection had been received, and there was a further update in relation to Section 106, so that section should end with the words “strategic parks”. A minor wording change was proposed to Condition 40. Members were advised regarding gifting of land to the Charter Hall, and it was proposed to replace paragraphs 56 and 57 with alternative text, and insert an

additional paragraph at 57A. There were also a number of minor typing errors noted, and a diagram of the outline of the site plan as shown in the Draft Local Plan 2030.

In accordance with Procedure Rule 9.3, Mr Barkway, a local resident, spoke in objection to the application. He said residents appreciated being consulted on the application but had some real concerns. It was acknowledged that more housing was necessary, but the current incremental approach should be continued with infilling and small developments of up to 25 houses. A substantial number of these houses should be starter homes with some moderately-priced mid-range houses. There was no appetite for an influx of executive homes. The scale of the proposal raised concern regarding social and physical infrastructure. The local school was full, GP appointments were difficult to get, water was a problem, and there was little public transport to take villagers to other centres. The roads were in a sorry state and the infrastructure was generally fragile. There was no chance of infrastructure shortcomings being overcome if 50 new houses were established at one time. The siting of the new development also gave rise to concern. There would be a lethal site entrance too near a double bend, and the site itself was as wet as any other area in the low-lying village. The excessive number of houses would completely change the character of the central part of the village. The whole site was close to the village conservation area and the community hall would have houses far too close. Residents were pleased to see that their concerns were shared in the Planning Officer's report and that the site was considered only suitable for up to 25 dwellings. The proposal was not in accordance with the emerging policy position laid out in the Draft Local Plan. The Officer's decision to propose acceptance appeared to hinge on the recent decision in Tenterden but this was not a valid comparison. If proposals such as this were approved, it would have a serious impact on the credibility of the Draft Local Plan. Smarden residents strongly urged the Committee to reject the proposal, which was an inappropriate development, detrimental to the village, creating a community within a community, with unsatisfactory supporting infrastructure.

In accordance with Procedure Rule 9.3, Mrs Ellison, on behalf of Smarden Parish Council, spoke in objection to the application. She said the Parish Council strongly opposed the proposal for up to 50 houses on the site. The Draft Local Plan, published in June, proposed up to 25 houses, and this application was an increase of 100%. The volume and density of the development would be unsustainable, and this was clearly a developer-led application, going against plan-led good practice. Smarden Parish Council had worked constructively with Planning Officers in the last two years in the preparation of the Draft Local Plan, and since January 2016 on this particular application. This close working relationship had centred on the advice from Ashford Borough Council that they would be recommending rejection of this proposal for 50 houses, and the Parish Council would be supportive of a proposal for 25 plan and design-led homes on this site. The Parish Council strongly opposed this application for all the reasons set out in the Officer's report, and believed the adverse impact of this large development on the small village of Smarden would far outweigh the benefits. Government officials and leading experts within Planning and the Environment had said that bolting developments onto towns and villages was not sustainable and added to the divisions and disharmony affecting communities. Houses must be built in the right place and the right number to make communities work. 50 houses on one site in a small village like Smarden was not the way

forward. All the village developments to-date, such as open market and local needs housing and Council housing, were small, and made up of 12 – 25 houses spread throughout the village. The Parish Council understood that the U-turn was a result of the Tilden Gill appeal, but this was unacceptable. The same criteria could not be applied to Smarden as to Tenterden. Smarden was a village of historical importance, and the centre of the village was a conservation area. The Parish Council asked the Committee to refuse the application.

The Ward Member attended and spoke in objection to the application.

Resolved:

Refuse

on the following grounds:

1. The proposal would be contrary to Policies CS1 of the Local Development Framework Core Strategy 2008, Policies TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010 and Policies GP12 and EN9 of the Ashford Borough Local Plan 2000, and the policies contained within the NPPF and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons;-
 - (a) the scale and extent of development proposed would have a significant adverse visual impact on land forming part of the Low Weald National Landscape Character Area and Beult Valley Farmlands Local Landscape Character Area impacting upon its acknowledged rural character that forms an important component of the setting of, and eastern entrance to, Smarden . It thus represents unsustainable development as the environmental role of sustainable development includes contributing to protecting and enhancing the natural environment.
 - (b) the scale and massing of development proposed would have an adverse impact on users of the public right of way along the southern boundary of the site due to its overbearing impact due to the extent of the developable area limiting the recreational opportunities afforded and views out to the open countryside.
2. The proposal would conflict with policies CS1 and CS6 of the Local Development Framework Core Strategy 2008, Policies TRS1, TRS17 and TRS18 of the Tenterden and Rural Sites DPD 2010; Policy GP12 of the Ashford Borough Local Plan 2000 and Policies SP1, SP2 and S37 of the emerging Ashford Local Plan 2030 and would therefore represent development contrary to interests of acknowledged planning importance which are not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons;-

(a) it would fail to protect the proposed and needed open space buffer identified in emerging policy S37, resulting in a higher density of development that visually impacts unacceptably on existing development inappropriate in a village setting of historic character and unacceptable for the new edge of the village.

(b) the scale and quantity of the development proposed would be out of proportion as an extension to the existing size, scale and character of Smarden and would therefore represent unacceptable development damaging to its visual and functional amenity.

(c) the emerging Local Plan policy for the site is at an early stage and permitting development at this stage would prejudice the outcome of the consultation process and be thus premature.

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,	
<u>Amendments</u>			
(a) 53/6R, 2X, 1S	(b) -	(c) KH&T X, EHM X, PO (Drainage) X, ,	

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. 6 further representations had been received, and there were some minor wording changes to some Conditions as well as two new Conditions.

In accordance with Procedure Rule 9.3, Mr Mullin, on behalf of the applicant, spoke in support of the application. There had been a significant amount of positive engagement with Officers in recent months, which had included design changes to ensure that the future potential provision of the Loudon Way Link was not compromised. It was also established through rigorous parking assessments, and with the agreement of the Highways Authority, that the development proposals would not inhibit the site's ability to accommodate all car park users, including prospective customers to all surrounding businesses. Parents could also use the existing parking area to drop off and pick up school children during peak times. The parking assessments established that the parking area would still have 30% spare provision during peak time. 3 parking assessments had been carried out. The proposal was acceptable in policy terms and was technically robust. The Highways Authority and the Environmental Health Department had no objections, subject to appropriate conditions. The latest scheme had been planned in close liaison with Planning Officers. The proposed store would deliver 15 full time-equivalent jobs and greater customer choice to spend in the local area. The store would be close to Repton Park and surrounding businesses. The majority of customers were expected to visit on foot. The Officer's Recommendation was subject to conditions to ensure sustainable operation of the business and that there would be no compromise to the amenities of local residents. There would also be no adverse effect on existing parking capacity or highways safety. Mr Mullin asked Members to endorse the Officer's report.

The non-Committee Ward Member attended and gave his views on the application.

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. 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 or Public Holidays unless otherwise previously 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 shall be submitted to and approved in writing by the Local Planning Authority and, thereafter carried out in accordance with the approved details unless previously 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 and means of concealment.
- (c) prior to installation - Details of any satellite dishes or antenna,
- (d) 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),
- (e) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.
- (f) Details of the storage of refuse

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);.

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 all external lighting 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 development 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 shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

12. No further 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 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 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 premises shall not be open to the public other than between the hours of Monday to Saturday from 0700 to 2300 and Sundays from 0700 to 2230.

Reason: To protect the residential amenity of the locality

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. No deliveries (apart from the daily collection and delivery of newspapers by a long wheel base van) shall be carried out at the site outside the following times: 0700 to 2000 Monday to Sunday.

Reason: To protect the residential amenity of neighbouring residents

20. No development shall take place until an acoustic assessment to show the rating level of any plant & equipment, as part of this development, has been submitted to and been approved in writing by the Local Planning Authority. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014. Recommended mitigation details will be agreed in writing prior to the start of work and subsequently incorporated into the build.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

21. No development shall commence until details of trolley management arrangements have been submitted to and approved by the Local Planning Authority in writing. The arrangements shall include but not be limited to measures to ensure trolleys are contained within the site, means of storing trolleys. The approved measures shall be implemented before the store is first used and subsequently retained thereafter.

Reason: In the interests of visual amenity and to safeguard the amenities of neighbours.

Notes

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

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.

In accordance with Procedure Rule 15.5, Cllr Heyes voted against the motion to permit the application.

Application Number	15/01160/AS				
Location	Danemore, Beachy Path, Tenterden				
Grid Reference	588786/133755				
Parish Council	Tenterden Town Council				
Ward	Tenterden North				
Application Description	Demolition of existing Sheltered Housing Scheme, four bungalows and former St. John's Ambulance (vacant). Erection of Sheltered Housing Scheme consisting of 34 apartments, four chalet bungalows and associated landscaping and car parking.				
Applicant	Head of Community and Housing, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford TN23 1PL				
Agent	PRP Architects, Ferry Works, Summer Road, Surrey KT7 0QJ				
Site Area	0.59ha				
(a)	83/1S & 10R <u>Re-consultation:</u> 83/5R	(b)	R S	(c)	KH&T X; ESM X KH&T X; ESM X; KCC SUDs X; KCC Ecology X

The Joint Development Control Manager drew Members' attention to the Update Report. One additional representation had been received.

Resolved:

- (A) Subject to the applicant first entering into a section 106 agreement in respect of planning obligations as detailed in table 1, in terms agreeable the Development Control Manager or the Head of Development Strategic Sites and Design in consultation with the Director of Corporate Services, with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Manager to make or approve minor changes to the planning obligation and planning conditions, as they see fit.**

Heads of Terms for Section 106 Agreement/Undertaking: Rural Area Site

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	Specialist Affordable Housing The flats and chalet bungalows shall only be occupied by people aged 50 years or older and the flats shall remain affordable in perpetuity. The flats shall be let at rents that are below market. The flats shall be constructed to such standards and other particulars as the Council specifies. The flats shall be managed by a registered provider of social housing or other body approved by the Council.	None	None
<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>			

(B) 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 Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and

used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

3. 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 or Public Holidays.

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

4. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved parking, loading and turning areas shall be provided prior to the commencement of development and retained throughout the construction of the buildings.

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.

5. The area shown on the drawing number AA4402/2002B as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

6. No development shall take place until details of the bicycle storage facilities showing a covered and secure space have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage 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.

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

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

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

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. Prior to the commencement of development details of the proposed means of foul water sewerage disposal shall have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: No such details have been submitted and in order to provide drainage of the facility.

9. Development shall not begin 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 exacerbating flood risk.

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. 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure on-going efficacy of the drainage provisions.

10. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved 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.

- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

11. The development hereby permitted shall be carried out in strict accordance with the details and tree protection measures as set out in the Arboricultural Report dated July 2015 unless 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.

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

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

13. No development shall take place until there have been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected.

The boundary treatment shall be completed in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

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

14. Written details including source/manufacture, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in

writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

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

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

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

Reason: In order to enhance biodiversity of the site

17. Prior to the commencement of any development on site (including demolition) full details of the proposed mitigation strategy in respect of bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure no harm to protected species

18. The development shall be carried out in strict accordance with the advice / recommendations contained within Ecological Appraisal dated July 2016

Reason: To ensure no harm to protected species

19. If trees and shrubs cannot be removed outside the breeding season, then an ecologist should carry out and record a check for nesting birds. If a nest is identified and considered to be in use then works must be delayed until the young have fledged unless with the written consent of the Local Planning Authority.

Reason: In order to enhance biodiversity of the site

20. Prior to the commencement of development the following details shall have been submitted and approved by the local Planning Authority in writing:

- Details of the proposed balconies and balustrading.

- Details of windows including degree of recess / projection to windows.
- Full details of the proposed external lighting.
- Details through eaves, ridge and parapet to flat roof
- Details of the proposed green roof

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

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

21. No flues, vents, stacks, extractor fans or meter boxes shall be located on the front elevation of any of the units.

Reason: In the interest of visual amenity.

22. The development shall be carbon neutral. Each dwelling hereby approved shall be constructed and fitted out so that:

- a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State;
- b) carbon emissions are reduced by 15% through Low and Zero Carbon Technologies once energy efficiencies have been applied.

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

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

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

Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions.

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

Reason: In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF.

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. The proposals will be subject to a Section 278 Highway Agreement with KCC Highways and Transportation as they will involve alterations to the existing public highway on Danemore. All of the proposed parking bays fronting Danemore are required to be unallocated as part of this Section 278 Agreement to act as a flexible resource for all residents of the site.
3. Working with the Applicant

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

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application

- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	16/00554/AS
Location	Dover Place Car Park, Dover Place, Ashford
Grid Reference	01158/42376 (Dover Place) and 01528/42276 (Stour Centre Car Park)
Parish Council	None
Ward	Victoria
Application Description	Full application for a building (with a total floor space of 7,477 m2 plus 166m2 rooftop plant enclosure) to include a flexible mix of B1, A1, A2 and A3 uses at ground floor level with B1 office accommodation above plus 220 car parking spaces.
Applicant	Quinn Estates Limited, Highland Court Farm Bridge Near Canterbury CT4 5HW
Agent	Mr Stuart Bonnage Clague LLP 62 Burgate Canterbury CT1 2BH

Site Area	1.79ha (Dover Place 0.83ha, Stour Centre Car Park 0.96 ha)		
(a) 57 / -	(b) -	(c) KCC:Drainage X, KH&T X, KCC:Arch X, RSIDB X, UKPN X, SW X, KWT X, NE X, EA X, Stagecoach X, Southeastern R, Network Rail X, Kent Police X, HE X, CACF X; ABC CO X, ABC-EHO X, ABC CS-OSO X, KCC Policy S	

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. A number of additional comments had been received, and there were points of clarification. Other matters included privacy of bathroom windows at Saturn House and highways works and contributions. There were also several amended Conditions.

In accordance with Procedure Rule 9.3, Mr Quinn, the applicant, spoke in support of the application. He was present to request planning permission to take the Commercial Quarter forward in order to bring much needed economic investment to this part of the town. The Beer Cart Lane Building in Canterbury, delivered by Quinn Estates, had proved a great success. The first phase alone of the Commercial Quarter would be three times the size of the Beer Cart Building, so there was potential to create a commercial hub to make Ashford a serious contender for any major regional office requirement or a target for London-based companies seeking to save money and house staff with exceptional transport, schooling and amenities on offer. George Wilson and Quinn Estates had together delivered over 4 million square feet of commercial buildings in Kent in which several thousand people now worked. They could be trusted to provide the Council with an exemplar building to provide economic vitality and business vibrancy as the opening chapter of the Commercial Quarter. Through working with Council Officers it had been possible to overcome the problems associated with this complex site and the proposed scheme would create a new urban hub at a key juncture in the town which would generate business interest from far afield. Advanced discussions were underway on the office and retail space and, if permission was granted this evening, this interest could be turned into reality. With the company's strong track record for delivery, they could work with the Council to create a stronger, brighter future for Ashford.

Resolved:

- (A) Subject to the receipt of acceptable amended drawings relating to the refinement of the architectural brick detailing on the office building and 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 Director of Law & Governance 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

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	Highways and public realm contribution for (i) improvements to the Beaver Road/Victoria Way junction and the Elwick Road/Station Road junction as shown on drawing 4300472/0100/01 P01.1 or alternative works of like effect and (ii) enhancing the public realm in the vicinity of the Site	£230,000	Within 3 months of the commencement of development.
	Bus Stop Contribution towards a new bus stop on Station Road	£20,000	On commencement of development

(B) Permit

Subject to the following conditions and notes:

Implementation Period

1. The development in Dover Place and Stour Centre car park 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.

Phasing

2. Prior to the occupation of the office building the approved extension to the Stour Centre car park development shall be available for parking unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the proper planning of the development.

Residential Amenity

3. Within 3 months of the start of construction a mitigation scheme which seeks to ensure the privacy of the 10 second floor south facing bathroom windows of the affected flats in Saturn House shall be submitted to and approved in writing by the Local Planning Authority. This shall include evidence that the owner of the building and the occupiers agree to the mitigation scheme. If the approved scheme is agreed with the owners and occupiers of Saturn House flats, the scheme shall be implemented and completed prior to the occupation of the offices.

Reason: In the interests of residential amenity and privacy of the 10 flats in Saturn House.

Highways

4. Prior to the occupation of the office space or retail units (or a later period which may be agreed in writing by the Local Planning Authority if the works are underway but won't be completed by then) the scheme of off-site highway and public realm improvement works referenced 'Station Road Highway Works' as set out on drawing no 4300472/0100/01 P01.1 or alternative works of like effect agreed by Kent Highways and Transportation as the responsible Highway Authority shall be completed and opened to traffic.

Reason: To ensure that there is sufficient capacity available within the highway network and in order to improve the amenity of the area.

Parking

5. The areas shown on the approved plans as office and retail parking areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the occupation of the offices and retail units to which they relate, 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/or amending and/or re-enacting that Order), shall be carried out

on those areas of land so shown or in such a position as to preclude vehicular access to those parking space/s.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road user.

6. The approved bicycle storage facilities shall be provided prior to the occupation of the development and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

7. A plan or details showing the method of control of all private office and retail parking spaces, including all dimensions, demarcation lines, signs, bollards, barriers and related materials shall be agreed in writing with LPA one month prior to the opening of the car parks. The approved method of control shall be provided before the car parks are opened and thereafter maintained. Thereafter any substantial changes to these arrangements or other associated proposed changes to these car park environments need to be agreed in writing by the LPA.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and to protect the visual amenities of the environments.

8. Within 3 months of the occupation of the development hereby permitted, a Green Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing with the LPA. The Plan shall describe the means by which employees, visitors and users of the development could be encouraged to travel to the site by means other than the private car. The Plan as agreed shall include assessment of travel and parking trends and be reviewed and monitored on an annual basis and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority. The measures described in the action plan shall be implemented in the time period identified.

Reasons – In the interest of promoting sustainable forms of travel and discourage the use of private motorcar, improving air quality and minimising traffic in the town centre..

Architecture, Fine Detailing & Materials

9. Within 3 months of the commencement of construction, unless previously agreed to the contrary, the full architectural details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, the development shall only be 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. Entrances including doors and canopies
- b. Shopfront detail including a consistent approach to accommodating signage in future
- c. Fifth floor parapet feature.
- d. Sixth floor rooftop detail include eaves, glazing, cladding and rooftop terrace
- e. Rooftop plant enclosure
- f. 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- g. Cycle Store detailing (1:20),
- h. Refuse Store and combined sub-station enclosure detailing (1:20),
- i. Full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- j. Feature brickwork including; 1:50 scale details of recessed or projecting sections; horizontal brick feature soldier course; details of brickwork finish around windows, shopfronts and the where the brickwork meets the ground.
- k. Prior to installation - mortar colour and mortar joint finish, between brickwork
- l. 1:100 elevation detailing the locations of all expansion joints in facades, weep holes and any damp proof courses
- m. Details of integral rainwater disposal system behind brickwork

- n. prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

Thereafter the development shall be carried out only using the approved external materials.

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

- 10. Prior to final installation, at least 2 different brick types shall be erected on the Dover Place site in the form of a 1metre by 1metre section of sample panel walls so that the LPA can approve the bricks to be used with reference in particular to their quality and suitability. The development shall be carried out only using the approved bricks. All other samples of materials to be used externally shall be submitted and approved in writing by the Local Planning Authority prior to installation and the development shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

- 11. Within 3 months of the occupation of the development a Cleaning Strategy for the building's exterior shall be submitted and approved in writing by the Local Planning Authority including window cleaning methods and any associated paraphernalia or equipment that may require fixing to the building. The building's exterior shall only be cleaned in accordance with the approved Cleaning Strategy

Reason: In the interests of visual amenity.

Art Work

- 12. Details of artworks within the scheme and timetable for their implementation together with details of future maintenance shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The approved artworks shall be installed in accordance with the approved timetable and maintained in accordance with the approved details:

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

- 13. No vents or flues shall be located on any façade of the buildings hereby approved other than in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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

Hard Landscaping

14. Within 3 months of the start of construction full details of the public realm landscaping scheme for the surroundings of the building at Dover Place and the Stour Centre extension car park together with a programme/mechanism for its implementation and future maintenance shall be submitted to and approved by the Local Planning in writing unless otherwise agreed in writing by the Local Planning Authority. The details to be submitted shall include
 - a. The full details of the hard landscape works shall be submitted to the Local Planning Authority for its approval shall include detailed information on the following including but not limited to;
 - i. Hard surfacing materials;
 - ii. proposed finished levels or contours; including terraces, ramps, steps, (including a 1:50 scale drawing of step detail) levels detail, paving, cycleway, urban swales, kerbs, lighting, handrails (including illumination),
 - iii. minor artefacts and structures (e.g. furniture, bins, benches, bollards, gates, footbridges, tree guards, tree grills, signs, lighting, decked walkways, cycle racks, artwork, barriers bird boxes etc.);
 - iv. Outdoor seating areas including details of layout and any other associate paraphernalia such as weather screens or patio heaters
 - v. Fencing or other means of enclosure;
 - b. a programme/timescale for implementing and completion of all such works in full within 6 months following the occupation of the building or car park.

The approved public realm landscaping scheme shall be implemented in full in accordance with the details and programme/timetable approved by the Local Planning Authority. The scheme shall be maintained in accordance with the approved detail.

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

15. Within 3 months of the commencement of development full details of the soft landscape works for the area around the building and around the Stour Centre car park extension together with a programme/mechanism for its

implementation and future maintenance shall have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. The full details of the soft landscape works to be submitted to the Local Planning Authority for its approval shall include;

- a) the planting plan for amenity space next to skatepark; the urban swale to north of building;
- b) Details of species and size of street trees together with any tree infrastructure including tree pits, sub base foundations; grilles and guards;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment)
- d) details of the planting that is designed to create year round colour;
- e) schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate;
- f) an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed at least prior to the final occupation of the building.

The soft landscaping works shall be implemented in full and thereafter maintained in accordance with the details and timetable approved by the Local Planning Authority.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species population are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation.

16. If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority in accordance with Condition 17, die are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 5 years from the completion of construction, such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

Lighting

17. Prior to occupation details of external lighting shall be submitted to the local planning authority and agreed in writing. The details shall include:
 - a. Details of the lighting fixtures and location
 - b. Details of the colours of the light
 - c. Hours of operation
 - d. Any proposed colour phasing
 - e. 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 building and no other 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.

Construction

18. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and local Highway Authority. This shall include details of the following:
 - wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway
 - access point for HGV's and site personnel
 - provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction
 - dust suppression methods
 - plant and noise generated from operation of vehicles and machinery
 - fencing/hoardings
 - lighting

- HGV routing
- hours of operation
- any temporary traffic management/signage required

The approved plan shall be implemented during the course of construction

Reason: In the interests of highway safety.

19. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction 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 of Construction Practice shall include,
- a. Measures to minimise the production of dust
 - b. 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) The measures shall include but not be limited to a BS5228 assessment to protect **Saturn House** from construction noise and vibration.
 - c. Maximum noise levels expected 1 metre from the affected façade of any Saturn House adjacent to the site
 - d. Location of construction compound and design and provision of site hoardings
 - e. Management of traffic visiting the site including temporary parking or holding areas
 - f. Provision of off road parking for all site operatives
 - g. Measures to prevent the transfer of mud and extraneous material onto the public highway
 - h. Measures to manage the production of waste and to maximise the re-use of materials
 - i. Measures to minimise the potential for pollution of groundwater and surface water

- j. The location and design of site office(s) and storage compounds
- k. The location of temporary vehicle access points to the sites during the construction works (including loading and turning of construction vehicles)
- l. Lorry routing to the site from the M20
- m. A detailed Site Waste Management plan for reducing construction waste during the building process
- n. The arrangements for public liaison during the construction works
- o. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

All details of the approved Code of Construction Practice shall be adhered to during the construction period.

Reason: To ensure provision of adequate off-street parking for vehicles and in the interests of highway safety and to protect the local amenity.

20. No construction activities shall take place outside the hours of 0730 to 1800 hours Mondays to Fridays excluding bank and public holidays and no construction activities shall take place at all on Saturdays, Sundays and bank and public holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

Archaeology

21. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

CCTV

22. Prior to the occupation of the development hereby approved details of a CCTV scheme to provide coverage of the surface car parks together with any signage shall be submitted to and approved by the Local Planning Authority in writing and shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety and crime prevention.

Control of Noise and Vibration.

23. Prior to the occupation of the development, a noise survey shall be carried out and submitted to the Local Planning Authority along with a scheme for the control of noise and vibration of plant within the development (including mechanical ventilation, refrigeration, air conditioning and air handling units) to protect occupants from noise and vibration. The approved scheme shall be implemented before the occupation of the development and the equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. 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 prevent the transmission of noise and to protect occupiers from undue disturbance by noise.

Control of Fumes and odours

24. Prior to the first occupation of the ground floor units, a scheme and maintenance schedule for the internal extraction and treatment of fumes and odours (as a result of potential A3 uses), shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

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

Drainage – Foul and Surface Water

25. 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.

26. Within 3 months of the commencement of development details of the proposed means of foul water and sewerage disposal shall have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water unless otherwise agreed in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the works for the disposal of sewage shall be provided on the site in accordance with details previously submitted to and approved.

Reason: Insufficient details have been submitted and to ensure proper sewage disposal and avoid pollution of the surrounding area.

27. Within 1 months of the commencement of development, plans and particulars of a sustainable drainage system for the disposal of the site's surface water shall have been submitted to and approved in writing by the Local Planning Authority. 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,
- i) achieve a run off rate to be agreed in writing with ABC
- 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.

This detailed drainage scheme shall

- be based upon the strategy detailed within the PBA Flood Risk Assessment and Drainage Strategy Report reference Project Reference 27281/2001.

- 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 at rates agreed with the Lead Local Flood Authority, Ashford Borough Council and the Environment Agency.
- include identification of the proposed discharge points from the system.
- be provided in accordance with the approved timetable.
- be maintained in accordance with the approved details
- be retained in working order until such time as the development ceases to be in use.

The following should be submitted;

- a plan indicating the size, location and specification of proposed roof, parking areas and hard standings detailing the surface water drainage arrangements, location of oil interceptors and interceptor design, specification, future maintenance proposals and ownership.
- a plan identifying all the elements that make up the surface water drainage system, (including areas of porous paving, underground storage crates, box culverts, soakaways) and indicate the proposed future ownership / maintenance responsibility for each element.
- a programme that identifies a sequence of installation that provides adequate surface water drainage provision throughout the construction of the development.
- a programme and schedule of on-going future maintenance to be carried out to the surface water drainage system after completion and by whom.
- a plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system.

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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal 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 and to ensure ongoing efficacy of the drainage provisions and to protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

28. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of and in accordance with details approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Flood protection

29. The Stour Centre Car Park shall be kept free from future development including any structures or permanent storage which could impede flood flows

Reason: This area is located within the fluvial floodplain and needs to be kept clear to allow for floodplain storage and the movement of flood flows across the site.

30. Prior to the commencement of Stour Centre car park extension a scheme for the provision and management of an 8 metre wide (measured from the top of the bank) buffer zone alongside the East Stour River shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme for the relevant Plot and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone shall thereafter be free from any further built development including lighting and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (planting must be native species)
- details demonstrating how the buffer zone will be protected during development
- details of any other proposed built development

Reason: Development adjacent to rivers presents risks and opportunities to the river's ecological value. National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in

biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

31. Any works hereby permitted that have the potential to affect or disturb the banks of the East Stour River the bed of the East Stour River or the water quality of the East Stour River should not take place during the period between 1st December to 1st March in any year.

Reason: To protect brown trout, a salmonid species present in the river, during the spawning season including the period when fry and eggs remain in the gravel.

Sustainable Construction

32. The building hereby approved shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Good' standard with under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, no work on the building shall commence until details of the measures and technologies to be used to achieve the 10% reduction in carbon emissions below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies, have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the measures and technologies for achieving the 10% reduction shall thereafter be retained in working order.

Within three months of the building being occupied the following in respect of that building shall be submitted to the Local Planning Authority for approval:

- a. SBEM 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
- b. 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 has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to (i) limit the growth in carbon emissions and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a development with reduced carbon emissions through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in the NPPF.

Contamination

33. A site investigation report to establish the level of contamination on the site following the previous industrial uses, shall be carried out and submitted to the Local Planning Authority, one month before construction commences.

Reason: To establish if any land contamination exists and to help ensure future users of land and neighbouring land are minimised.

34. Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority in consultation with Environment Agency and Environmental Health Manager. 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 development shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority.

Following completion of the remediation scheme and prior to occupation of the building hereby approved, a verification report for the area, 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.

35. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority prior to the occupation of the building.

Reason: To ensure the site is remediated.

Foundations

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

Reason: To ensure no unacceptable risk to groundwater.

Compliance with approved plans

37. 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 and 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.

38. 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.

Ecology

39. Prior to the commencement of the South Park car park extension hereby approved details of an ecology mitigation and biodiversity enhancement strategy in accordance with the Ecological Appraisal shall be submitted to and approved by the Local Planning Authority in writing and thereafter implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The details shall include:

- Measures to safeguard retained habitats including boundary trees and watercourses;
- Mitigation strategies in respect of protected species including reptiles and Water Vole;
- Details of habitat provision and enhancement measures to be incorporated under the proposals including native and wildlife friendly planting, grassland seeding and faunal habitat features (including bat and bird box provision);
- Sensitive lighting design to minimise impacts to bats;

Reason: To ensure that wildlife is adequately provided for as part of the proposed development mitigation and in the interests of biodiversity and habitat protection and enhancement.

40. No vegetation (including trees and shrubs) shall be removed between February and September inclusive except if (i) no more 24 hours before any removal an ecologist has inspected the vegetation to be removed and certified that no occupied bird nests are present or (ii) a buffer zone of at least 5m is created around all occupied bird nests and no vegetation is removed within that zone until the young have fledged.

Reason: To protect breeding birds and their chicks and 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.

Notes to Applicant

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. The movement of construction traffic/delivery vehicles into/out of the site will only be permitted on the local highway network between 09:30 and 16:00 on weekdays. Any restriction on Saturday will be at the discretion of the Local Planning Authority on the basis of amenity implications. This requirement is to be secured by condition.
3. No development or new tree planting should be located within the 3.5 metres either side of the centreline of the public sewer and all existing infrastructure shall be protected during construction works.
4. No new soakaways should be located within 5 metres of a public sewer.

Due to the legislation that came into force on the 1st of October 2011, any sewer found during construction works, will be investigated.

5. Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with us to enable approval of detailed works.
6. 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.
7. 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 application was acceptable as submitted and no further assistance was required.
- 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.

Application Number	16/00562/AS
Location	Site of former Rimmel International Ltd, Cobbswood Industrial Estate, Carlton Road, Ashford, Kent, TN23 1ED
Grid Reference	00119/42821
Parish Council	None
Ward	Godinton (Ashford)
Application Description	<p>Hybrid application comprising the following:</p> <ol style="list-style-type: none"> 1. Outline planning permission for 12 industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved. 2. Full planning permission for a grounds maintenance depot and a ready mix concrete and satellite aggregate depot, internal spine road and improved access points off Carlton Road and Brunswick Road.

Applicant	Gallagher Properties Ltd, Leitrim House, Little Preston, Aylesford, ME20 TNS		
Agent	Mrs M Davidson, MD Associates, 3 Temple Gardens, Temple, London, EC4Y 9AU		
Site Area	2.23 hectares		
(a) 62/2R	(b) -	(c) EHM – X, NR – X, SGN – X, KCC (heritage) – , KCC SUD's – R, ABC (Drainage) – X, KHS – X, ABC ENG – X, KCC (waste) - X, EA -, NE - , HS1 – X, ACF - R	

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report and a number of important updates to the report.

Resolved:

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

- a. **Monitoring fee**
- b. **Carbon offsetting**

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

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	Development monitoring fee	Index linked £1000	Upon commencement of development.
	Contribution towards the Council's costs of		

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	monitoring compliance with the agreement or undertaking		
2.	Carbon Offsetting – industrial units (plot 3) Carbon off-setting of the development towards funding carbon savings (excluding infrastructure) based on the residual carbon emissions of new builds set out in the approved energy performance certificate and quantified over 10 years.	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD.	Payable on practical completion

(B) Permit/Grant Outline Planning Permission.

Subject to the following conditions and notes:

Note: For the purposes of this decision the plots referred to are as follows:

Plot 1 – Grounds maintenance depot

Plot 2 – Concrete batching and aggregate depot

Plot 3 – Industrial units

Time limit for implementation (plots 1 & 2)

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.

Time limit for implementation (plot 3)

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

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

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

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

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

Site wide conditions (plots 1, 2 & 3)

Drainage

4. Surface water generated during the construction phase of the works will not be increased. Any existing drainage infrastructure should remain in place, as far as reasonably practical, until such a time as the approved proposed drainage system is fully installed and approved in writing by the Local Planning Authority. The existing drainage system should only be disconnected once the proposed system is fully operational and installed as per the agreed design.

Before the existing on site drainage is disconnected the following shall be met;

No development shall commence on plots 1 and 2 until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water, based on the principles set out in the following application documents, have been submitted to and approved in writing by the Local Planning Authority;

- *Proposed Trade Units, Council Depot and Ready Mix Plant, Carlton Road, Ashford – FRA by PCS Consulting Engineers Ltd dated 19th March 2016.*
- *Drawing 15-016-900-REV A.*

This will include final calculations for plots 1 & 2 operating as a standalone system (In isolation of any other potential future drainage works). A reduction in surface water discharge rates from plots 1 & 2, compared to the existing site discharge rates for these plots, is required.

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

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

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

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) and shall be retained in working order until such time as the development ceases to be in use.

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

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

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

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

Contamination 5

Construction Management Plan

5. All details of the approved construction management plan dated 28 June 2016 shall be adhered to during the construction period.

Reason: To ensure provision of adequate off-street parking for vehicles and in the interests of highway safety and to protect the local amenity.

Landscaping

6. Prior to the commencement of work on plot 3, a landscaping scheme for the site, including the HS1 no build area, (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.

Parking

7. The area shown on the approved drawings as vehicle parking space and turning shall be provided before the uses are commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to,

the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

Plot 1 (grounds maintenance depot)

Materials

8. 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.

Lighting

9. No further external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and Dark Skies SPD

10. All external lighting shall be extinguished outside of the hours of 06.00 – 18.00 Mondays to Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

Use

11. The premises/site shall be used for the purposes of a grounds maintenance depot 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.

Hours of use

12. There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the grounds maintenance depot before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Bicycle storage

13. The approved bicycle storage facilities shall be provided prior to occupation of the plot 1 and shall thereafter be retained and made available for use.

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

Plot 2 (concrete batching and aggregate depot)

Materials

14. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Lighting

15. Full details of external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

16. All external lighting shall be extinguished outside of the hours of 07.00 – 17.30 Monday to Friday and 07.00 – 13.00 on Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

Bicycle parking

17. No development shall take place until details of the bicycle storage facilities have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage 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.

Use

18. The premises/site shall be used for the purposes of the use approved 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.

19. With the exception of no more than 12 occasions in each calendar year, there shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0700 hours or after 1730 hours Mondays to Friday, 0700 hours or after 1300 hours on Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Plot 3 (industrial units)

Materials

20. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Lighting

21. Full details of external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

22. All external lighting shall be extinguished outside of the hours of 0600 hours–1800 hours Monday to Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

CS10 – BREEAM

23. The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Maximum standard in respect of water credits,

'Excellent standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing on a given phase:-

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),

Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

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

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

Thereafter, the development 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.

Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

SBEM 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 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 NPPF.

Landscaping/trees

24. Prior to the construction of any buildings on plot 3 a tree planting scheme and maintenance schedule (to include the planting of trees as shown on either approved drawing numbers GMDT005 or GMDT006) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees 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.

Highways

25. Prior to the commencement of the development the proposed new access gate and crossover for HS1 and gas board maintenance shown on drawing GH-102-TP-01 shall be provided in accordance with the approved plans and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the protection of the HS1 asset.

Bicycle parking

26. No development shall take place until details of the bicycle storage facilities have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage 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.

Use

27. The premises/site shall be used for the purposes of B1(c), B2 and B8 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.

28. No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

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

29. Industrial processing shall only take place in the buildings identified on the approved plans.

Reason: In order to preserve the visual character of the site and the amenity of the surrounding area.

30. There shall be no storage on the site other than within a building.

Reason: In order to preserve the visual character of the site and the amenity of the surrounding area.

Hours of use

31. There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Other (plots 1, 2 & 3)

32. 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.

33. 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.

34. The developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property. Contact: HS1 Ltd, 12th floor, One Euston Square, 40 Melton Street, London, NW1 2FD (safeguarding@highspeed1.co.uk)

Reason: The nature of the proposed development is such that detailed discussion is required concerning the design, construction, future

maintenance and demolition of the development to ensure that it does not compromise the integrity, safety, security, operation, maintenance and liabilities of HS1.

35. Prior to the commencement of any development on plot 3, the further details bulleted below shall be submitted in writing for approval by the Local Planning Authority in consultation with HS1. The development shall then be carried out only in compliance with the approval unless previously agreed in writing by the Local Planning Authority in consultation with HS1:

- Hard and Soft landscaping arrangements for HS1 maintenance strip
- Adjustments to errant vehicle protection barrier and access gates to be compliant to standards and approved by KCC highways and evidence provided.
- Impact assessment for loads on tunnels.

Reason: The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.

36. Prior to the commencement of any development on plot 3, details of the design of the foundations and other works proposed below existing ground level shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.

37. Prior to the commencement of any development on plot 3, details of the special measures, to identify and protect HighSpeed1 or UK Power Networks buried services shall be submitted in writing to and approved by the Local Planning Authority in consultation with HS1. Construction shall only take place in compliance with approved measures unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change

Reason: No such details have been provided. These services are crucial to the operation of HighSpeed1.

38. Prior to the commencement of any development on plot 3,, details of the size, loading and proximity to HighSpeed1 of additional ground loads such as

stockpiles shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Works shall be carried out in conformity with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change. Note: If the stockpile is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.

Reason: To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

39. Prior to the commencement of any development on plot 3, details of the plant and equipment proposed which are likely to give rise to vibration (such as pile driving, demolition and vibro-compaction of the ground) together with predicted vibration levels, shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1. Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.

Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring

Reason: No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.

40. Development shall be carried out in accordance with the recommendations of the Reptile Survey Report carried out by Ecology Solutions dated September 2015 unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future.

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
2. **HS1 informatives:
Protective Provisions Agreement (PPA)**

The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery.

Reason: The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.

Noise

The developer is reminded of his obligation to ensure appropriate mitigations are adopted to protect the development from noise from HighSpeed1.

Reason: The developer is responsible for ensuring that the development meets statutory requirements.

Covenants

The applicant is reminded that covenant(s) apply to the site covering the following issues:

- land/property use
- construction on the maintenance strip

Reason: The covenant has been entered into with the owner or previous owner of the land in order to protect HS1.

Rights of access

The applicant is reminded that HS1 has the right to access the maintenance strip.

Reason: HS1 requires access to operate and maintain the HighSpeed1 railway, including in emergency. This right is normally contained in the sale/transfer of land agreement.

Costs incurred

The developer shall agree to pay the costs incurred by HS1 and Network Rail (High Speed) in reviewing and approving the development.

Reason: Costs to be incurred from a development reside with the developer.

3. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development

proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit additional information to 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.

INFORMATIVES:

Signage:

This permission does not grant advertisement consent for any estate signage which may require the benefit of separate application for advertisement consent.

Network Rail:

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone

- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary. The reason for the **2m (3m for overhead lines and third rail)** stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable

drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after

works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from www.networkrail.co.uk/aspx/1538.aspx.

Scotia/Southern Gas Networks:

Refer to Scotia Gas Network plan received 04/05/16. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. Other known pipes in the area will be noted on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on the plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

The mains record shows a low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet (received 04/05/16) should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

If you require any further information please contact SGN - Plant Location Team
0800 912 1722

Highways

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.

The applicant is requested to engage into continued dialogue with KCC Major Schemes to ensure the construction programme for the scheme of development on the application site is carefully managed in the context of the programme for the A28

Chart Road widening scheme to proceed. The Project Manager at Kent County Council is Barry Stiff barry.stiff@kent.gov.uk.

Application Number	16/00669/AS	
Location	11 to 25 (Odds only) Oak Tree Road, Ashford, Kent, TN23 4QR	
Grid Reference	59988/14185	
Parish Council	None	
Ward	Beaver (Ashford)	
Application Description	Proposed repair and reinstatement of 8 fire damaged flats.	
Applicant	Mr D Burford, Building Surveyor, Housing Planned Maintenance, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
Agent	Mr Michael Head, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent, TN25 6SX	
Site Area	0.058ha	
(a) 15 / -	(b) -	(c) EH(ES) / X

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 plans listed in the section of this decision notice headed Plans/Documents approved by this decision and 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.

3. The development shall be carried out in accordance with the details of external materials (including colours) specified on approved plan numbers and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development in the interest of visual amenity in accordance with policies CS1 and CS9 of the Local Development Framework Core Strategy and the National Planning Policy Framework.

4. Provision for parking for site personnel and visitors, areas for loading/unloading, areas for the storage of plant and materials, temporary contractors buildings (site offices/welfare) shall all be provided prior to any works commencing on site in accordance with the details contained on drawing number 15.157.03 Rev P. The facilities shall be retained throughout the duration of the demolition and construction works. Throughout the duration of the demolition and construction works, construction traffic shall be routed in accordance with drawing number 15.157.03 Rev P.

Reason: To ensure, adequate provision for parking loading/unloading, storage and the movement of traffic in the interests of highway safety and to protect the amenities of local residents in accordance with policy CS1 of the Local Development Framework Core Strategy.

5. Throughout the duration of demolition and construction, the area identified for wheel washing on drawing number 15.157.03 Rev P shall be used to effectively clean and wash the wheels, chassis and bodywork of vehicles so that before vehicles exit the site and enter onto the adopted highway they are free of mud and similar substances. The wheel washing facilities and process of cleaning shall be maintained in an effective working condition for the duration of demolition and construction.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety.

6. 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, Public and Bank Holidays.

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

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

Application Number	16/00674/AS	
Location	11 to 25 (Odds only) Oak Tree Road, Ashford, Kent TN23 4QR	
Grid Reference	59988/14185	
Parish Council	None	
Ward	Beaver (Ashford)	
Application Description	Proposed demolition and rebuilding of 8 fire damaged flats.	
Applicant	Mr D Burford, Building Surveyor, Housing Planned Maintenance, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
Agent	Mr Michael Head, RDA Consulting Architects, Evegate Park Barn, Evegate, Smeeth, Ashford, Kent, TN25 6SX	
Site Area	0.058ha	
(a) 15 / -	(b) -	(c) EH(ES) / X, PO

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 plans listed in the section of this decision notice headed Plans/Documents approved by this decision and 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.

3. The development shall be carried out in accordance with the details of external materials (including colours) specified on approved plan numbers 15.157.31 Rev P1 and 15.157.32 Rev P1 and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development in the interest of visual amenity in accordance with policies CS1 and CS9 of the Local Development Framework Core Strategy and the National Planning Policy Framework.

4. Provision for parking for site personnel and visitors, areas for loading/unloading, areas for the storage of plant and materials, temporary contractors buildings (site offices/welfare) shall all be provided prior to any works commencing on site in accordance with the details contained on drawing number 15.157.03 Rev P. The facilities shall be retained throughout the duration of the demolition and construction works. Throughout the duration of the demolition and construction works, construction traffic shall be routed in accordance with drawing number 15.157.03 Rev P.

Reason: To ensure adequate provision for parking, loading/unloading, storage and the movement of traffic in the interests of highway safety and to protect the amenities of local residents in accordance with policy CS1 of the Local Development Framework Core Strategy.

5. Throughout the duration of demolition and construction, the area identified for wheel washing on drawing number 15.157.03 Rev P shall be used to effectively clean and wash the wheels, chassis and bodywork of vehicles so that before vehicles exit the site and enter onto the adopted highway they are free of mud and similar substances. The wheel washing facilities and process of cleaning shall be maintained in an effective working condition for the duration of demolition and construction.

Reason: To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety.

6. 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, Public and Bank Holiday.

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

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