

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16th November 2016**.

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

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

Also Present:

Cllr. Hicks.

Joint Development Control Manager, Head of Development, Strategic Sites and Design, Director of Development, Principal Solicitor (Strategic Development), Member Services and Ombudsman Complaints Officer.

197 Declarations of Interest

| Councillor | Interest | Minute No. |
|--------------|---|----------------------|
| Mrs Blanford | Made a Voluntary Announcement as she was a Member of the Campaign to Protect Rural England, and the Weald of Kent Protection Society who had not commented on any item on the agenda. | 199 – 16/01012/AS |
| Bennett | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda. | |
| Bradford | Made a Voluntary Announcement as he had previously made his position known. He would not participate in the debate or vote. | 199 – 16/01012/AS |
| Burgess | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda. | |
| Clarkson | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda. | |

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| Clokie | Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda. | |
| Galpin | Declared an Other Significant Interest as a close relative was a resident of the affected street. He would leave the Chamber and take no part in the debate or vote. | 200 – 16/01421/AS |
| Joint Development Control Manager | Declared an Interest as a close family member had been involved in two applications on the agenda. She would not be advising the Committee on these items and she would leave the Chamber for the debate and vote. | 199 – 16/01012/AS 200 – 16/01421/AS |

198 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 19th October 2016 be approved and confirmed as a correct record.

199 Site Visit - 16/01012/AS – Land west of the junction of Carters Wood and Ruckinge Road Hamstreet - Erection of three bungalows and associated access on land to the rear of 33-36 Carters Wood

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There was extra information to be added under the following sections: Planning Policy; Principle of Residential Development; Proposal; Consultation; Planning Obligations. There was also a proposed additional condition.

The Committee considered the above application, which had been deferred from the last meeting of the Committee for a site visit held earlier in the day.

In accordance with Procedure Rule 9.3, Mrs Hessing, a local resident, spoke in objection to the application. The supposed need for the building of these giant bungalows had changed several times, as had the people supporting the development. Only the lack of facts and justification for building had remained constant. It was worth noting that if the equivalent percentage of Hamstreet residents who took the time and effort to object (numbering 270) were compared with the population of London, it would equate to 1,415,404 objections. Carters Wood was designed in the 1960's to integrate housing and nature at the edge of the village and to provide a smooth transition between the built environment and the countryside beyond. Carters Wood houses and bungalows were built small in size

as were their gardens. However, through clever design, using a central green, residents had the benefits of a shared garden space. This effect was aided by the provision of oversize front windows and an instruction to the original tenants not to build fences which would compromise the design. Unlike other spaces nearby, Carters Wood Green benefitted all age groups equally. It was a play area for the young, a restful space for the elderly and visual pleasure for all. It brought wild life into the village and provided conkers for the primary school tournament. It was part of the green thread that linked visitors to the heart of the village and was widely praised for the scenic effect it created. When a planning application for a small car park opposite Carters Wood was made in 2005 it was rejected by the Planning Committee because the loss of the grassed area would have a detrimental impact on the character of the area. It would neither conserve nor enhance the entrance to the village and its special character. The much larger application now proposed would destroy this community space and would ruin forever the area's special character. The Planning department appeared to be willing to overlook loss of public space, visual amenity and residential amenity. The Hamstreet Village Design Statement 2002, co-authored by Orlestone Parish Council, ABC Strategic Planning Unit and a Principal Planning Inspector, stated that all future development for elderly or disabled people, affordable homes or local needs housing should be pepper-potted within new developments. Carters Wood was certainly not a new development. Mrs Hessing asked Members to join the local residents, CPRE, Orlestone Parish Council, the recommendations of the Hamstreet Village Design Statement, and the findings of a previous ABC planning decision in formally rejecting this unwanted and unnecessary application.

One of the Ward Members attended and spoke in objection to the application.

Resolved:

Refuse

On the following grounds:-

The proposal would be contrary to policy LE11 of the Ashford Borough Local Plan 2000, policies CS1 and CS18 of the LDF Core Strategy 2008 and advice in the Public Green Spaces and Water Environment SPD and to government advice contained in the NPPF and would therefore be harmful to matters of acknowledged planning importance for the following reasons:

- The proposal would lead to the loss of a significant area of well used public open space and no proposals have been put forward for the replacement of that space. The village has a shortage of public open space and thus its loss would be to the detriment of meeting the needs of residents.

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- The site forms part of an attractive and well landscaped entrance to the village and its development would result in a loss of visual amenity.

In accordance with procedure rule 15.5, Cllr Apps requested that the Minutes record that he abstained from voting on this application.

200 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 | 16/01164/AS |
| Location | Land south of junction of Beaver Road and Victoria Road, Ashford, Kent. |
| Grid Reference | 00977/42120 |
| Parish Council | None |
| Ward | Victoria |
| Application Description | Full planning application for a 120 bedroom hotel and associated parking, landscaping, substation and access works. |
| Applicant | HDD Ashford |
| Agent | Nathaniel Lichfield & Partners |
| Site Area | 0.28 |

- | | | |
|----------------------|-------|--|
| (a) 201/10 R, 2S, 2X | (b) - | (c) KCC (Eco) X, KHT X, N. Rail (HS1) X, KCC (Arch) X, Stagecoach X, SACF X, SW X, PROW X, NE X, POL X, UK Power X, SG Networks X, VBRAG R, KCC Flooding X, PO(Drainage) X, EHO (EP) X |
|----------------------|-------|--|

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There was a proposed additional Condition and a proposed additional Note to the applicant.

In accordance with Procedure Rule 9.3, Ms van Bosch, on behalf of the applicant, spoke in support of the application. At the October Planning Committee Members granted consent on the Aldi, Chapel Down and residential units applications. This application for the 120 bedroom hotel was the final component of the masterplan for the north and south sides to Victoria Way. This site had been vacant for many years and HDD Ashford were pleased that, despite concerns raised by local residents, it was agreed that these derelict sites needed to be redeveloped. The additional condition on fibre to the premises was noted. The application was for a hotel, with associated parking, and landscaping in accordance with the Ashford Town Centre Area Action Plan. The key benefits included creation of 60 new jobs, improved visitor accommodation and expenditure in the town centre, and active Victoria Road

frontages. The construction cost was £8m, which was an investment to Ashford and the gross value added would be £1m to Ashford per annum. The proposed hotel was in close proximity to the station, brewery and the town centre. It would be a 24 hour operation and the intention was to secure a quality operator with an established track record. HDD Ashford Ltd would offer 49 parking spaces, and KCC concurred that there would be no adverse traffic impact. HDD Ashford had undertaken extensive consultation with Ashford Borough Council, KCC, the Design Review Panel, local community groups and members of the public. Ms van Bosch asked the Committee to take into consideration the Officer's Recommendation for approval.

Resolved:

- (a) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. **carbon off-setting**
 - b. **contribution towards nearby outbound bus shelters**
 - c. **commuted car parking**
 - d. **contribution towards public realm enhancements**
 - e. **notice of commencement of development being served on the Council**
 - f. **monitoring fee of £500**

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

TABLE 1

| | Planning Obligation | | |
|---|--|-------------------|-------------------------|
| | Detail | Amount(s) | Trigger Point(s) |
| 1 | Carbon Off-Setting Contribution | | |
| | Contribution for funding carbon | Each contribution | Payable on the |

| Planning Obligation | | | |
|----------------------------|---|--|-----------------------------------|
| | Detail | Amount(s) | Trigger Point(s) |
| | savings (excluding infrastructure) based on the residual carbon emissions of the building as 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 | first occupation of the building. |
| 2 | Contribution towards nearby outbound bus shelters Contribution towards the improvement of infrastructure for bus services in the vicinity | £12,500 | On occupation |
| 3 | Commuted parking contribution Contribution towards car parks / multi-storey car park or park and ride facilities and associated services in Ashford and improving access to the site by public transport, bicycle and on foot | £640,000 | Upon first occupation. |
| 4 | Public realm enhancements Contribution towards the carrying out of public realm enhancements | £130,000 | To be determined |
| 5 | Notice of commencement of development To be served on the Council | N/A | Commencement of development |
| 6 | Monitoring fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £500 | First payment upon commencement |

| Planning Obligation | | | |
|---|--------|-----------|---|
| | Detail | Amount(s) | Trigger Point(s) |
| | | | of development and on the anniversary thereof in subsequent years |
| <p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <u>council web site</u> 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.

Materials

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

Reason: In the interests of visual amenity.

Compliance with approved plans

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 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.

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 any above ground construction commencing a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

Reason: To secure a coordinated, comprehensive form of development that delivers the envisaged form of place making and in the interest of public engagement.

Contamination

6. Prior to the commencement of development, a detailed remediation scheme to ensure that that part of 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. 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 within the relevant plot 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 any building, 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.

7. If, during development, contamination not previously identified is found to be present at the site then no further development within the affected plot (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 for the relevant plot 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.

Reason: To ensure the protection of controlled waters.

Other

8. Prior to commencement of development the applicant shall provide written evidence to the Local Planning Authority that a formal process of approvals between the applicant and Network Rail/HS1 has been entered into and commenced. The approvals process shall accord with the processes set out in the Network Rail (High Speed) Outside Parties Development Handbook Document Reference C/05/OP/32/3002.

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.

SUDs

9. (A) 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 the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without

increase to flood risk on or off-site and in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD 2010. The drainage scheme shall also demonstrate that silt and pollutants resulting from the use of the site can be adequately managed to ensure there is no pollution risk to receiving waters and identify all the constituent components and their location whether within the application site or linked thereto.

(B) The hotel shall not be opened for use 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 thereafter 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 of the scheme 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 ongoing efficacy of the drainage provisions.

Fine detail

10. Prior to any construction above ground level, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, 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) full details of glazing, louvres and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) rainwater goods
- (c) Horizontal feature channels (1:20)
- (d) Jointing of cladding panels (1:20)

Reason: Further details are required to ensure that the external appearance and fine detailing are of an appropriately high quality given the locational

importance of the site.

Parking/Highways

11. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

12. Prior to the works commencing on site details of parking for site personnel / operatives /visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

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

13. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

14. The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any building hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

15. The area shown on the submitted layout as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of 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 the Town and Country Planning (General Permitted Development) Order 1995 (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 and be detrimental to highway safety and amenity.

16. The hotel use shall not be commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked.

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

Use

17. The premises/site shall be used for the purposes specifically applied for 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.

18. Servicing hours to be agreed

Landscaping & upgrading scheme for the highway corner

19. The development shall not be first occupied until full details of the soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

- a) The full details of the soft landscape works to be submitted to the Local Planning Authority for its approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.
- b) The soft landscaping works shall be implemented in full 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.

20. If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority 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

21. Prior to the commencement of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

22. Prior to the commencement of development, a landscaping scheme for the upgrading of the Beaver Road/Victoria Road corner highways land (including specification and plans and cross sections of proposed upgrades together with documentation identifying how and when the scheme will be implemented and subsequently maintained) shall be submitted to and, following prior consultation with the local highways authority, be approved by the Local Planning Authority in writing. Thereafter, the scheme shall be implemented in accordance with the approved details unless any variation has been agreed in writing.

Reason: In order to improve the visual quality of the public realm at an important entrance to the town centre and Victoria Road and provide an appropriate hinterland to the hotel lobby entrance.

Sustainable construction

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.

Code of construction practice

24. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003), unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: To protect the amenity of local residents in accordance with Policy EN1 of the Local Plan.

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

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

Archaeology

26. 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.

Fibre to the Premises

27. Prior to commencement of development details shall have been submitted to, and approved by, the Local Planning Authority in writing for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (with a minimal internal speed of 100mbps) connections to the hotel hereby approved. The details shall provide for sufficient capacity, including duct sizing, to provide the development with sufficient flexibility to meet the needs of future guests and the hotel operator. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first public opening of the building.

Reason: To ensure that users and operators of new developments in Ashford are provided with high quality broadband services enhancing Ashford as an attractive residential location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

Notes to Applicant

1. Working with the Applicant

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

- offering a pre-application advice service,

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
 - was provided with pre-application advice,
 - the applicant was provided with the opportunity to submit amendments to the scheme in order to address issues that I and others raised
 - the applicant/ agent responded to issues and feedback through clarification, further survey work and the submission of amended plans
 - 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.
2. The applicant should note that as of 19 February 2016, the Environment Agency published new guidance on how to use climate change allowances in flood risk assessments. As Lead Local Flood Authority, KCC will require that the design of the sustainable surface water drainage scheme accommodates the 1 in 100 year storm with a 20% allowance for climate change together with an additional analysis being undertaken to understand the flooding implication for a greater climate change allowance of 40%. This analysis will be required to determine if the impacts of the greater allowance would be significant and exacerbate any flood risk. The detailed design of the scheme may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This would tie into existing 'designing for exceedance' principles.
3. The scale, massing, appearance and architectural style of the hotel have been specifically designed to be appropriate to an important entrance into the Council's Southern Expansion Quarter wherein high quality design and place-making is required as part of town centre regeneration. A hotel operator will be required to implement the scheme as approved or have an acceptable alternative approved. In respect of the latter, the design 'givens' that are relevant to the site are as follows:-

(i) a layout and scale that strongly encloses and is appropriate to an important urban boulevard,

(ii) a layout that shields car parking located to the rear of the building from view,

(iii) a corner with scale, massing appearance and visual drama that helps create a building with landmark qualities appropriate to an important junction, and

(iv) an approach that, together with a new building on the opposite side of the street, will help create a sense of gateway to an exciting area of town centre regeneration.

4. The applicant should note that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

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| Application Number | 16/00981/AS | |
| Location | Former Travis Perkins Trading Co Limited, Victoria Crescent, Ashford | |
| Grid Reference | 00904/42168 | |
| Parish Council | Victoria | |
| Ward | Ashford | |
| Application Description | Erection of 31 residential apartments with car parking, associated access and landscaping | |
| Applicant | Carrington Group | |
| Agent | DHA Planning | |
| Site Area | 0.18 ha | |
| (a) 101/ 6 R | (b) - | (c) EHM (EP) X, POL X, KCC (DCU) X, SSOS X, PO Drainage X, SW X, KHS X, SACF X, VBRAG R |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There was one proposed additional Condition and a proposed additional Note to the applicant.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, spoke in support of the application. This application involved the redevelopment of part of the former Travis Perkins site for a development of 31 apartments with 31 car parking spaces. The apartments would be a mixture of 1 and 2-bedroom units, and the building would be 5 storeys in height. Victoria Crescent was within the southern expansion quarter, as defined in the Ashford Town Centre Area Action Plan, where 4 – 6 storey development was considered appropriate. In Victoria Crescent there were single storey commercial premises, 2 storey residential properties and a converted mill building which equated to a 4 storey modern building, positioned adjacent to the site. Since the submission of the current planning application, proposals had come forward on the opposite side of George St which would result in a residential development of 5 – 7 storeys in height. Therefore the proposed height of the building would comply with policy advice and would be appropriate to its context in terms of adjacent development in Victoria Crescent and George St. The proposed development incorporated a high quality design and the building would be contemporary in appearance. The site was within flood zone 1, which was considered at low risk from flooding, and the car and cycle parking to be provided on the site complied with adopted and emerging Local Plan policies. Parking courts would be softened by landscaped features and the site was close to the riverside green corridor and Victoria Park. This would be of benefit to the residents. The provision of housing on this site had a clear economic role by means of stimulating the local construction industry, generating household expenditure and providing financial contributions for the local community infrastructure. The proposal also had a social role, through the provision of residential accommodation, on a sustainable site, within easy walking distance of the international station and town centre. The benefit of creating 31 residential units in a town centre location, on a sustainable, previously developed site, identified by the Council as within an area in need of regeneration was considerable and would contribute significantly to the Council's vision for the town centre area. The applicant had engaged with the Council at an early stage in the planning process to ensure that its aspirations were reflected in the current scheme. As a result of this early engagement, the scheme design had been modified. It was felt that the redevelopment of the site for residential purposes, and the proposed design of the building, complied with local planning policies in all respects. Ms Hawkes asked Members to give this planning application favourable consideration and grant planning permission.

Resolved:

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

- a. contribution to KCC to enhance library book stock
- b. contribution to ABC towards enhancing Victoria Park
- c. contribution to ABC for s.106 monitoring
- d. completion (to available for occupation standard) of the development within 5 years of commencement
- e. service on ABC of notice of commencement

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

TABLE 1

| | Planning Obligation | | |
|---|--|-----------|--|
| | Detail | Amount(s) | Trigger Point(s) |
| 1 | KCC enhancements to Ashford library book-stock | £1,488.49 | On occupation of 75% of the dwellings |
| 2 | Public open space enhancements at Victoria Park contribution Towards the Victoria Park improvement project | £21,514 | On occupation of the first dwelling |
| 3 | Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £300 | First payment upon commencement of development |

| Planning Obligation | | | |
|--|---|------------------|-------------------------|
| | Detail | Amount(s) | Trigger Point(s) |
| 4 | <p>Notice of commencement of development</p> <p>To be served on the Council in relation to the development</p> | N/A | On commencement |
| 5 | <p>Completion of development</p> <p>In the event construction of the residential development starts, the dwellings must be completed and ready for occupation within 5 years</p> | N/A | |
| <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> | | | |

(b) Permit

Subject to the following conditions and Notes;

Implementation

1. The development hereby permitted shall be begun before the expiration of 2 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.

Compliance with approved plans

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 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.

Contamination

4. Prior to the commencement of development, a detailed remediation scheme to ensure that that part of 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. 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 the first residential occupation of any part of the apartment building, 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.

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

Information to existing residents during the construction phase

6. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public engagement.

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

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

(i) the location of the proposed site compound, and,

(ii) route of construction delivery vehicles to and from the site via George Street from the local highway network only and associated measures to be put in place to ensure that deliveries are in accordance with that route.

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

Reason: In the interests of highway safety and the amenities of neighbouring residents by using George Street.

8. Prior to development commencing, the following details shall be submitted to and approved by the Local Planning Authority in writing;-
- (i) details of parking for site personnel and any visitors during construction,
 - (ii) details of access points, loading / unloading and turning areas for all construction traffic,
 - (iii) details of proposed dust suppression, odour suppression and vapour suppression methods,
 - (iv) details of proposed surrounding fencing / hoardings to any compounds,
 - (v) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public highway and to nearby residents), and
 - (vi) details of any plant, equipment and machinery to be installed as part of the compound including details of hours of operation and noise during operation

shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the local highway authority) and thereafter the approved details shall be provided prior to the commencement of development and retained for the duration of the construction of the permitted development unless the Local Planning Authority has agreed otherwise in writing.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

9. Before any demolition on-site clearance commences, a Scheme of Minimum Environmental Requirements for Demolition (SMERFD) shall be submitted to and approved in writing by the Local Planning Authority in writing. Thereafter, demolition and on site clearance works shall be implemented in accordance with the SMERFD. The matters to be addressed in the SMERFD shall include the following;-
- (i) Code of Construction Practice, and
 - (ii) Hours of working for demolition and noisy activities and details of the installation of any large equipment such as cranes relating to those works.

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

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

implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following;-

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

(ii) Considerate Contractors / Code of Construction Practice,

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

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

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

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

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

12. 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. Unless any subsequent change has been agreed in writing by the Local Planning Authority, the approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works

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

Building materials, fine details & boundary walls with railing

13. Prior to usage in the approved apartment building, 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.

14. Prior to any construction above ground level, unless specified to the contrary, the 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) full details of glazing and external doors, including all external joinery and framing methods and external colour and the depth of recess of window and door frames in brick reveals (1:20),

(b) sections, elevations and colour finish of external rainwater goods (1:20)

(c) elevations sufficient to show the extent of proposed textured brickwork areas and use of brick soldier course detailing (1:50) and typical sections sufficient to illustrate the depth of any projection or recess (1:20)

(d) elevations, materials and external colour of entrance canopies to the circulation core (1:20)

(e) sections, elevations and colour finish to proposed balconies to shown handrail and balustrades (1:10)

(e) surfacing treatment and intended demarcation of private terraces serving ground floor apartments.

(f) elevations and sections of brick boundary walls (including piers) and railings affixed thereto including specification, finials and colour finish

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

Bin store & cycle store detail

15. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the apartment block:-

(a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and

(b) details of secure access arrangements to the integral cycle store, nature of

secure storage racks & anchoring points and amenity lighting.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) and (b) above shall be retained in working order.

Reason: No such fine details have been provided. The fine detail of these stores is important to ensure that the spaces are secure and safe for use.

Hard & soft landscaping and tree pits

16. No development shall commence until full details of the soft landscaping (including tree planting) works have been submitted to and approved in writing by the Local Planning Authority. The details of the soft landscaping (including tree planting works) to be submitted to the Local Planning Authority for approval shall include the following;-

(a) the planting plans;

(b) written specifications (including cultivation and other operations associated with plant and grass establishment);

(c) details of the planting that is designed to create year round colour;

(d) schedules of plants noting species, plant & tree sizes and proposed numbers/densities/girth where appropriate;

(e) full tree pit details (including surface level plan detailing, below ground sections and dimensions and fill specification)

(f) an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

The soft landscaping (including tree planting) works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority unless written approval has been given by the Local Planning Authority to any subsequent variation.

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 green corridor protected species populations are acknowledged in the design approach to soft landscaping.

17. If any trees and/or plants whether new or retained which form part of the soft landscaping scheme approved by the Local Planning Authority 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

18. Prior to the first occupation of any apartment in the building, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas are properly maintained in the interests of the amenity of the area.

Sustainable urban drainage system

19. (A) 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 be based upon the proposals within the SLR Flood Risk Assessment Ref. 408.06248.00001 June 2016 and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk.

(B) The apartment building hereby permitted shall not be first 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 unless the local planning authority has agreed to any variation in writing. 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, to ensure ongoing efficacy of the drainage provisions and ensure compliance with the National Planning Policy Framework.

Water efficiency

20. The apartment building hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: In order to carefully manage water supply given the level of household demand relating to available resource.

Parking

21. The area shown on the submitted layout as vehicle parking and associated turning space shall be provided, surfaced and drained to the satisfaction of 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 the Town and Country Planning (General Permitted Development) Order 1995 (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 parking spaces or prevent turning.

Reason: Development without provision of adequate accommodation for the on-site parking of vehicles – and associated turning movements - is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no additional structural posts, fences or walls shall be created within the partial undercroft parking area without the prior permission of the Local Planning Authority in writing.

Reason: Additional structural posts/fences/walls have the capacity to obstruct the opening of car doors and bring the minimum internal dimensions below that which enables use for the purpose designed thereby reducing the usability of the partly covered parking spaces leading to the displacement of off-site car parking and subsequent inappropriate car parking to the detriment of the neighbourhood.

Fibre to the Premises

23. Prior to commencement of development details shall have been submitted to, and approved by, the Local Planning Authority in writing for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (with a minimal internal speed of 100mbps) connections to the building hereby approved. The details shall provide for sufficient capacity, including duct sizing, to provide the development with sufficient flexibility to meet the needs of future residents.

Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building.

Reason: To ensure that residents of new developments in Ashford are provided with high quality broadband services enhancing Ashford as an attractive residential location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

Notes 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,

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address issues.
- The applicant submitted a viability case during the course of dealing with the application
- Upon conclusion of the assessment of the applicant's viability case and related negotiations, 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.

2. The applicant should note that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

In accordance with Procedure Rule 15.5, Cllr Heyes requested that his vote against the motion be recorded.

| | | |
|--------------------------------|---|---|
| Application Number | 16/00986/AS | |
| Location | Former Travis Perkins Trading Co Limited, Victoria Crescent, Ashford | |
| Grid Reference | 00854 / 42134 | |
| Parish Council | Victoria | |
| Ward | Ashford | |
| Application Description | Demolition of existing buildings and erection of 28 flats with car parking, access and associated landscaping | |
| Applicant | Carrington Group | |
| Agent | DHA Planning | |
| Site Area | 0.24ha | |
| (a) 101/ 6R | (b) - | (c) EHM (EP) X, POL X, KCC (DCU) X, SSOS X, PO Drainage X, KCC Drainage X, SW X, KHS X, SACF X, VBRAG R |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There was one proposed additional Condition and a proposed additional Note to the applicant.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, spoke in support of the application. This application was for a development of 28 apartments with 28 car parking spaces. The apartments would be a mixture of 1 and 2-bedroom units, arranged in 3 building sections of 3, 4 and 5 storeys. Victoria Crescent was within the southern expansion quarter as defined in the Ashford Town Centre Area Action Plan. 4 – 6 storey development in this area was considered appropriate. Victoria Crescent had a mixture of commercial and residential properties which varied in height and included a converted mill, equivalent in height to a 4 storey modern building. Since the submission of the current application, proposals had come forward for the opposite side of George Street, for a residential development of 5 – 7 storeys in height. At the pre-application stage, reducing the impact of the proposal on the adjacent dwelling was identified as an important consideration. Therefore a staggered building height was proposed with the lowest section of the building closest to the neighbouring property. The vehicular access to the site would result in

a gap of over eight metres between the proposed building and the flank wall of the neighbouring property. The majority of the site lay within flood zone 1 with only the very south western fringe falling within flood zone 2 and flood zone 3a. The Environment Agency (EA) had been consulted on the scheme. Clarification information had been produced and the EA had no objection to the proposal in terms of flooding. All of the 28 flats would have access to private balcony areas and the balconies would be framed within the building's overall perimeter. The residents would also have access to a small amenity space with seating close to the river. Since the original submission, additional ecological information on bats had been provided. Mitigation measures including bat and bird boxes plus a planting scheme could be secured by condition. A sensitive lighting scheme for the car parking area would be devised to avoid detriment to bats in this river corridor. The benefits of the proposed development were considerable and would contribute significantly to the Council's vision for the town centre area. Ms Hawkes requested that Members give this planning application favourable consideration and grant planning permission for the development.

Resolved:

- (a) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. contribution to KCC to enhance library book stock**
 - b. contribution to ABC towards enhancing Victoria Park**
 - c. contribution to ABC for s.106 monitoring**
 - d. completion (to available for occupation standard) of the development within 5 years of commencement**
 - e. service on ABC of notice of commencement**
- as detailed in the Table 1 in terms agreeable to the Head of Development Strategic Sites and Design in consultation with the Corporate Director (Law & Governance), with delegated authority to the Head of Development Strategic Sites and Design to make or approve changes to the planning obligations and planning conditions (including adding additional planning conditions/obligations or deleting planning conditions/obligations as necessary), as she sees fit.**

TABLE 1

| | Planning Obligation | | |
|---|--|-----------|--|
| | Detail | Amount(s) | Trigger Point(s) |
| 1 | KCC enhancements to Ashford library book-stock | £1,344.44 | On occupation of 75% of the dwellings |
| 2 | Public open space enhancements at Victoria Park contribution Towards the Victoria Park improvement project | £19,432 | On occupation of the first dwelling |
| 3 | Monitoring fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £300 | First payment upon commencement of development |
| 4 | Notice of commencement of development To be served on the Council in relation to the development | N/A | On commencement |
| 5 | Completion of development In the event construction of the residential development starts, the dwellings must be completed and ready for occupation within 5 years | N/A | |
| <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</p> | | | |

| Planning Obligation | | |
|---|-----------|------------------|
| Detail | Amount(s) | Trigger Point(s) |
| <p>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;

Implementation

1. The development hereby permitted shall be begun before the expiration of 2 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.

Compliance with approved plans

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 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.

4. 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), no windows shall be created in the 3-

storey west elevation.

Reason: In order to satisfactorily protect the privacy of the residents of the Gray Hanistep.

Contamination

5. Prior to the commencement of development, a detailed remediation scheme to ensure that that part of 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. 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 the first residential occupation of any part of the apartment building, 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.

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

to local residents during the construction phase

7. Prior to any above ground construction commencing, details of how the developer intends to liaise with and keep local residents informed about the development for the duration of the construction period shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented and maintained for the duration of the construction otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public engagement.

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

8. Prior to development commencing, details shall be submitted to and approved in writing by the Local Planning Authority which show;-
- (i) the location of the proposed site compound, and,
 - (ii) route of construction delivery vehicles to and from the site via George Street from the local highway network only and associated measures to be put in place to ensure that deliveries are in accordance with that route.

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

Reason: In the interests of highway safety and the amenities of neighbouring residents by using George Street.

9. Prior to development commencing, the following details shall be submitted to and approved by the Local Planning Authority in writing;-
- (i) details of parking for site personnel and any visitors during construction,
 - (ii) details of access points, loading / unloading and turning areas for all construction traffic,
 - (iii) details of proposed dust suppression, odour suppression and vapour suppression methods,
 - (iv) details of proposed surrounding fencing / hoardings to any compounds,
 - (v) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public highway and to nearby residents), and

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

shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the local highway authority) and thereafter the approved details shall be provided prior to the commencement of development and retained for the duration of the construction of the permitted development unless the Local Planning Authority has agreed otherwise in writing.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

10. Before any demolition on-site clearance commences, a Scheme of Minimum Environmental Requirements for Demolition (SMERFD) shall be submitted to and approved in writing by the Local Planning Authority in writing. Thereafter, demolition and on site clearance works shall be implemented in accordance with the SMERFD. The matters to be addressed in the SMERFD shall include the following;-

(i) Code of Construction Practice, and

(ii) Hours of working for demolition and noisy activities and details of the installation of any large equipment such as cranes relating to those works.

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

11. Before any construction commences a Scheme of Minimum Environmental Requirements for Construction (SMERFC) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall be implemented in accordance with the SMERFC. The matters to be addressed in the SMERFC shall include the following;-

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

(ii) Considerate Contractors / Code of Construction Practice,

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

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

Reason: To ensure that the impacts of construction on adjoining areas are

minimised for the benefit of the local environment and the amenities of nearby residents.

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

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

13. 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. Unless any subsequent change has been agreed in writing by the Local Planning Authority, the approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works

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

14. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- (a) Timings of the implementation of the mitigation measures that corresponds with the construction works;
- (b) Risk assessment of potentially damaging construction activities;
- (c) Precautionary mitigation measures for reptiles;
- (d) Precautionary mitigation measures for breeding birds;
- (e) Precautionary survey of the tree (T1) showing bat potential.
- (f) Mitigation measures for bats as outlined in the bat report
- (g) Identification of 'biodiversity protection zones' as well locations of temporary roost measures;
- (h) The times during construction when specialist ecologists need to be present on site to oversee works;
- (i) Responsible persons and lines of communication;
- (j) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (k) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to satisfactorily mitigate the impacts of construction on protected species.

Building materials, fine details & boundary walls with railing

15. Prior to usage in the approved apartment building, written details including source/ manufacturer, and samples of bricks, tiles, glass privacy panels 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.

16. Prior to any construction above ground level, unless specified to the contrary, the 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) full details of glazing and external doors, including all external joinery and framing methods and external colour and the depth of recess of window and door frames in brick reveals (1:20),

(b) sections, elevations and colour finish of external rainwater goods (1:20)

(c) elevations sufficient to show the extent of proposed textured brickwork areas and use of brick soldier course detailing (1:50) and typical sections sufficient to illustrate the depth of any projection or recess (1:20)

(d) elevations, materials and external colour of entrance canopies to the circulation core (1:20)

(e) sections, elevations and colour finish to proposed balconies to shown handrail and balustrades (1:10)

(e) surfacing treatment and intended demarcation of private terraces serving ground floor apartments.

(f) elevations and sections of brick boundary walls (including piers) and railings affixed thereto including specification, finials and colour finish

(g) full details of the proposed translucent sand blasted privacy panels to recessed balconies on the western flank of the building

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

Bin store & cycle store detail

17. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the apartment block:-

(a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and

(b) details of secure access arrangements to the integral cycle store, nature of secure storage racks & anchoring points and amenity lighting.

Thereafter, unless the Local Planning Authority has given written approval to any variation, the approved arrangements in relation to (a) and (b) above shall be retained in working order.

Reason: No such fine details have been provided. The fine detail of these stores is important to ensure that the spaces are secure and safe for use.

Hard & soft landscaping and tree pits

18. No development shall commence until full details of the soft landscaping (including tree planting) works have been submitted to and approved in writing by the Local Planning Authority. The details of the soft landscaping (including tree planting works) to be submitted to the Local Planning Authority for approval shall include the following:-

(a) the planting plans;

(b) written specifications (including cultivation and other operations associated with plant and grass establishment);

(c) details of the planting that is designed to create year round colour;

(d) schedules of plants noting species, plant & tree sizes and proposed numbers/densities/girth where appropriate;

(e) full tree pit details (including surface level plan detailing, below ground sections and dimensions and fill specification)

(f) an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

The soft landscaping (including tree planting) works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority unless written approval has been given by the Local Planning Authority to any subsequent variation.

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 green corridor protected species populations are acknowledged in the design approach to soft landscaping.

19. If any trees and/or plants whether new or retained which form part of the soft landscaping scheme approved by the Local Planning Authority 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

20. Prior to the first occupation of any apartment in the building, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas are properly maintained in the interests of the amenity of the area.

Sustainable urban drainage system

21. (A) 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 be based upon the proposals within the SLR Flood Risk Assessment Ref. 408.06248.00001 June 2016 and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk.

(B) The apartment building hereby permitted shall not be first 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 unless the local planning authority has agreed to any variation in writing. 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, to ensure ongoing efficacy of the drainage provisions and ensure compliance with the National Planning Policy Framework.

Water efficiency

22. The apartment building hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

Reason: In order to carefully manage water supply given the level of household demand relating to available resource.

Parking

23. The area shown on the submitted layout as vehicle parking and associated turning space shall be provided, surfaced and drained to the satisfaction of 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 the Town and Country Planning (General Permitted Development) Order 1995 (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 parking spaces or prevent turning.

Reason: Development without provision of adequate accommodation for the on-site parking of vehicles – and associated turning movements - is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no additional structural posts, fences or walls shall be created within the partial undercroft parking

area without the prior permission of the Local Planning Authority in writing.

Reason: Additional structural posts/fences/walls have the capacity to obstruct the opening of car doors and bring the minimum internal dimensions below that which enables use for the purpose designed thereby reducing the usability of the partly covered parking spaces leading to the displacement of off-site car parking and subsequent inappropriate car parking to the detriment of the neighbourhood.

Riverside boundary, landscaping treatment, bird and bat boxes & lighting scheme

25. No development shall commence until the following details have been submitted to and (following consultation with the Environment Agency) agreed in writing by the Local Planning Authority in writing;-

(a) proposed fencing/railings and soft landscaping forming the southern boundary to the parking court,

(b) the location and width of secure access gates within the southern boundary to the parking court sufficient to enable access to the river bank for maintenance purposes,

(c) details of proposed benches including ability to be removed as required during river bank maintenance, and

(c) a river bank planting / wildflower mix scheme.

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

Reason: In order to ensure byelaw access into the river bank area for the Environment Agency in order to maintain the River Stour and ensure its continued free flowing. In order to provide a visually and functionally appropriate boundary treatment to the parking court. In order to ensure that the proposed planting enhancements to the river bank are ecologically appropriate.

26. Prior to the first occupation of the apartment building hereby approved, full details of a bird and bat box scheme for the site (including location, height and specification) shall have been submitted to and approved by the Local Planning Authority in writing. Thereafter, the scheme shall be installed in accordance with the approved details and subsequently retained unless the Local Planning Authority has agreed to any variation in writing.

Reason: In order to ensure that the scheme properly incorporates opportunities to enhance riverside biodiversity.

27. Details of the lighting strategy (including specification, form, lux levels and location) outlined in the Bat Survey Addendum (July 2016) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the apartment building hereby approved. The strategy shall be implemented and maintained in accordance with the approved details unless the Local Planning Authority has agreed to any subsequent variation in writing. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, no other external lighting attached to the building or located within its common grounds and parking areas shall be installed.

Reason: In order to ensure that external lighting is sensitive and not to the detriment of bat species.

Fibre to the Premises

28. Prior to commencement of development details shall have been submitted to, and approved by, the Local Planning Authority in writing for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (with a minimal internal speed of 100mbps) connections to the building hereby approved. The details shall provide for sufficient capacity, including duct sizing, to provide the development with sufficient flexibility to meet the needs of future residents. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building.

Reason: To ensure that residents of new developments in Ashford are provided with high quality broadband services enhancing Ashford as an attractive residential location in accordance with Policy EMP6 of the Ashford Local Plan 2030.

Notes to Applicant

1. A European protected species mitigation licence (EPSML) will be required to derogate from offences against bats and their roosts.
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,

- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme to address issues.
- The applicant submitted a viability case during the course of dealing with the application
- Upon conclusion of the assessment of the applicant's viability case and related negotiations, the application was dealt with/approved without delay.

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

3. The applicant should note that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

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| Application Number | 16/01025/AS |
| Location | Stafford Farm, Moons Green, Wittersham, Tenterden, TN30 7PR |
| Grid Reference | 88485 / 27598 |
| Parish Council | Wittersham |
| Ward | Isle of Oxney |
| Application Description | Outline planning permission with all matters reserved for a new dwelling to replace an existing outbuilding in use for agriculture and the keeping of horses |

| | | | |
|------------------|--|-----|---------------------------------------|
| Applicant | Mr Anthony Gleeson, 4 Oxney Cottages, Appledore Road, Stone, Tenterden, TN30 7JL | | |
| Agent | Mr Richard Elliot, Appleby Architects, 10 Union Square, Eridge Road, Pantiles, Tunbridge Wells | | |
| Site Area | 0.1037ha | | |
| (a) | 11 / 46 S; 2R ; 1X | (b) | PC / S |
| | | (c) | KCC PROW- X, EH (ES) - X, KCC BIO - X |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. She confirmed that a site notice was posted near to the site. Further comments of support had also been received, as well as a further comment from the applicants regarding access to public transport.

In accordance with Procedure Rule 9.3, Ms Norris, representing local residents, spoke in objection to the application. She was speaking on behalf of the neighbours who lived directly next door to the site. The proposal was for a new dwelling in the countryside. The site fell outside and did not adjoin the village of Wittersham. The site was within the Area of Outstanding Natural Beauty (AONB), next to a bridleway and footpath, both prominent public viewpoints. The statutory protection of the AONB required the planning authority to consider whether the proposal served to conserve and enhance. This application did not meet this parameter. The removal of the existing building would simply generate a requirement for a new building on this constrained site. This proposal was contrary to policy at national and local level. Determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicated otherwise. The applicant's attempt to advance her case on the basis that she came from the locality was not sufficient justification. If that was the case, all the countryside would be developed. Planning policy existed for the greater good. The National Planning Policy Framework (NPPF) was clear at paragraph 55 that isolated new dwellings in the countryside should be avoided unless certain exceptions were made out. The exceptions were: a house to support a rural enterprise which would require a full-time employee presence, generating a living wage. The site was too small to develop a business meeting these parameters. The present stocking of a few ponies and a small number of goats was a hobby. Nor was the proposal for the reuse of a redundant or disused building, leading to enhancement of the immediate setting. The building was not a heritage asset. The design was not exceptional or innovative. In terms of the Council's policy, Core Strategy Policy CS6 covered development in the open countryside outside existing settlements. The Policy required development to be strictly controlled. Policies TRS1 and 2 of the Tenterden and Rural Sites DPD were consistent with the NPPF. It was not a house for an agricultural worker, reuse of a rural building or a replacement dwelling, or justified local needs housing. The new Local Plan Policies SP1 and HOU5 supported development in accessible and sustainable locations. This Plan carried little weight,

but the message was still the same. Development in the countryside was strictly controlled. This application did not meet planning policy criteria nationally or locally. Ms Norris asked the Committee to refuse this application.

In accordance with Procedure Rule 9.3, Ms Gleeson, the applicant, spoke in support of the application. She pointed out that the previous speaker spoke on behalf of just two local residents, compared to the 46 individual letters of support sent in. The Parish Council were also in full support of the application. The applicant's father bought the Farm 40 years ago, seeking a better life in the country, and intending to live off the land. He built the current building in accordance with Council requirements at that time. It was to be an agricultural building, not for residential use. The applicant's father now lived in a housing association property. The applicant and her husband took over the farm approximately 12 years ago. The smallholding had become overgrown and it took some effort to clear the site and set up a rural enterprise. The applicant bred miniature pygmy goats and currently had a herd of 13, which she hoped to increase. To have a house on site would help to develop the smallholding and would save at least two trips every day to the site to care for the animals. This would be more in the kidding season. It was disappointing that the Case Officer did not mention NPPF para 28 and the support it gave to encouraging rural enterprise. This was an important omission. It was hard for young couples to buy a house. This application represented an opportunity for the applicant to own a house in a village where she and her husband both grew up. The applicant's husband was a bricklayer and would do most of the work himself. It was government policy to encourage self-builds. The computer image did not represent the anticipated final building as this was only an outline application. The applicant wished to build a house to be proud of, which would blend with the rural landscape. Wittersham was in an AONB and it was difficult to find sites for houses that did not harm the AONB. The Officer said that the proposed dwelling would be detrimental to the scenic beauty of the AONB. This was a subjective comment. Most people considered it would greatly improve the site. The old unattractive building would be gone, as would the mobile home. No important features of the AONB, like hedgerows, would be removed and a lot of new planting would be undertaken in line with the suggestions of the KCC Biodiversity team. This new house would also enable the release of the applicant's existing residence into available housing stock for another needy family. The Officer claimed the site was isolated but there were two modern houses next door, one of which was built recently up against the applicant's boundary. It was stated that there was no public transport but the bus route was within 5 minutes' walk. Bridleway AT188 led directly to the main road. Ms Gleeson said granting this application would enable the family to build their own home and grow a rural enterprise on the land passed on by her father.

In accordance with Procedure Rule 9.3, Councillor Green, on behalf of Wittersham Parish Council, spoke in support of the application. The Borough Council did not have a deliverable 5 year housing supply and, therefore, all policies in the adopted

Local Plan must be considered out of date and no more than limited weight could be given to them. The NPPF presumption of sustainable development took precedence. The Officer's report stated that the application was for an isolated development, in an area with sporadic dwellings. It was true that the site was in the countryside and not within the confines of Wittersham village, but one of the sporadic dwellings at the adjoining farm was a bungalow within a few feet of the applicant's intended build site. A further large 2 storey dwelling lay only a few metres further away. This application was being recommended for refusal, but the immediately adjoining bungalow, only a few feet away from the applicant's site, was first refused permission in 2003 for renovation of a shed and for part of it to be converted as a hobbies room. The refusal was on the grounds of increased height, bulk and scale. Shortly thereafter the owners began to convert the same shed into a residential dwelling, ignoring the planning refusal. In 2014 they secured a certificate of lawful development, despite objections from the Parish Council. In 2016 the Borough Council discharged a Section 106 agreement that required the old shed, now a bungalow, to remain ancillary to the main house, therefore splitting the site that adjoined the current application site from one residence into two. This meant that an additional residence was permitted only a few months ago, right next door to the one that was now recommended for refusal on the grounds of isolation and other out of date policies which discouraged new residences in the countryside. The Recommendation for refusal described an adverse impact of the proposal on visual amenity and the AONB, but that conclusion could not be supported given the application's immediate neighbour, which was larger. There would also be considerable tidying up of the application site through the removal of the present building, which lay within the footprint of the application, plus the removal of a mobile home which was in poor condition. It should also be noted that the proximity of the public right of way was claimed to add to the visual harm but KCC PROW unit and Ramblers' Association raised no objections to the proposal. A new residence in the countryside was rarely permitted outside of the Local Plan, nor was it usually supported by Parish Councils. This case was supported by the local Parish Council because of the precedent and fairness when set against the history of the adjoining site, and because the policies being quoted for refusal were out of date. The NPPF had a presumption of sustainable development. There were no reasons in the Parish Council's view to refuse this application.

Resolved:

Grant Outline Planning permission

Subject to the following conditions and notes:

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

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

2.

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

(B) The development hereby permitted shall be begun later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

3. The dwelling shall not be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority at the same time as the details required by condition 1.

Reason: To avoid pollution of the surrounding area.

4. All planting, seeding or turfing comprised in the approved details of landscaping submitted pursuant to condition 1 shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; 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 order to protect and enhance the amenity of the area.

5. The approved motor vehicle and cycle parking facilities submitted pursuant to condition 1 shall be provided before the dwelling is brought into use and they shall thereafter be retained available for ancillary parking of motor vehicles and cycles and access to the facilities shall not be precluded.

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

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6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, no further development whether or not permitted by Article 3 and Schedule 2 Part 1 classes A, B, C, D and E of that Order shall be carried out without the prior permission of the Local Planning Authority in writing.

Reason: In order to enable the Local Planning authority to assess the impact of any further development on the visual amenity of the Area of Outstanding Natural Beauty.

7. The dwelling hereby permitted shall be first occupied by Mr and Mrs A Gleeson and a copy of at least two utility bills for the new property in one or more of those names shall be submitted to the Local Planning Authority for verification within one month of the occupation of the dwelling.

Reason: Planning permission is granted based on the personal circumstances of the applicants.

8. The existing building and caravan shall be removed from the site prior to the occupation of the dwelling.

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

9. 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 agent was updated of any issues after the initial site visit,
 - 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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| Application Number | 16/01421/AS |
| Location | Garages rear of 115 and 117, Noakes Meadow, Ashford |
| Grid Reference | 00157/41601 |
| Parish Council | None |
| Ward | Beaver (Ashford) |
| Application Description | Construction of two 2-bedroom bungalows plus five parking spaces (resubmission of 13/00407/AS) Permission application ref: 13/00407/AS) |
| Applicant | Customer Homes & Property Ashford Borough Council |
| Agent | Corporate Property & Projects Services Ashford Borough Council |
| Site Area | 0.08ha |
| (a) 10/ - PO(D) X | (b) - (c) KH&T - X, ESM – X, |

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

Reason: In the interests of visual amenity.

3. A landscaping scheme for the site 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.

4. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation, risk assessment and where remediation is necessary a remediation scheme must be prepared in agreement with the Local Planning Authority.

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 risk to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4).

5. The area shown on the drawing number NKSMDW - 004a as vehicle parking space 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.

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.

6. None of the dwellings shall be occupied until the sewage disposal and surface water drainage works have been completed in accordance with details to be submitted to and approved by the Local Planning Authority in writing.

Reason: To avoid pollution of the surrounding area.

7. The foundations of the approved development shall be constructed to a no-dig design where they fall within the Root Protection area of the B category trees (see BS5837:2012). No work on site shall begin until the design of foundations has been submitted to the Local Planning Authority and agreed by them in writing. The foundations approved shall then only be carried out in accordance with the approved specification unless previously agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the B category trees growing close to the site boundary in the interest of visual amenity.

8. 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.

9. No construction activities shall take place, other than between 08.00 to 17.50 hours (Monday to Friday) with no working activities on Saturday, Sunday or Bank or public Holiday without prior agreement in writing from the Local Planning Authority.

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

10. 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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification no extension, enlargement or other alteration of the building(s) shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the development of land and to avoid any encroachment upon the private garden areas.

12. Prior to the first occupation of either dwelling hereby permitted the external stores and refuse and recycling store shall be provided in accordance with details contained on approved drawings NKSMDW-007 & NKSMDW-004a. The facilities shall thereafter be retained and kept available for their intended use and access to these facilities shall not be precluded.

Reason: In the interest of visual amenity, residential amenity and sustainability.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: To ensure that car parking provided within the development remains adequate to meet the needs of the future occupiers of the development

14. Prior to the first occupation of either dwelling water butts shall be provided for all rainwater pipes for each dwelling and shall be retained in perpetuity.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and other domestic activities thereby reducing the demand for mains water on site.

15. 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.

Notes to Applicant

1. The applicant should seek early confirmation with Southern Water on the suitability of the surface water sewer to serve the new development.
2. Percolation tests on site should be carried out to ensure adequate soakage of surface water if this cannot be achieved, a tanked permeable paving system connected to the public surface water sewer will be necessary. The latter would attenuate flows and remove pollutants dispensing with the need for an oil interceptor upstream of the sewer connection.

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 agent was updated of any issues after the initial site visit,
 - 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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