

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **15th March 2017**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bartlett, Mrs Blanford, Bradford, Clarkson (ex-officio), Clokie, Dehnel, Farrell, Galpin, Heyes, Hicks, Krause, Ovenden, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii), Cllrs Bartlett and Hicks attended as Substitute Members for Cllrs Apps and Bennett respectively.

### Apologies:

Cllrs. Apps, Bennett.

### Also Present:

Cllrs. Miss Martin, Pickering.

Head of Development, Strategic Sites and Design; Chilmington and Design Team Leader; Director of Development; Head of Planning Policy and Economic Development; Local Transport and Development Planner (Kent Highway Services); Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 345 Declarations of Interest

| Councillor   | Interest   | Minute No.                        |
|--------------|--|-----------------------------------|
| Bartlett     | Made a Voluntary Announcement that he was a Governor of the East Kent Universities Hospital Trust.   | 347<br>15/01550/AS                |
| Mrs Blanford | Made a Voluntary Announcement that she was a member of the Campaign to Protect Rural England and the Weald of Kent Protection Society.   | 347<br>16/01198/AS<br>16/01841/AS |
| Bradford     | Made a Voluntary Announcement that one of the speakers, Mr Richmond-Coggan, was known to him. He had checked with Legal Officers and this was not considered to be a significant factor. | 347<br>16/10841/AS                |

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| <b>Councillor</b> | <b>Interest</b>   | <b>Minute No.</b>                 |
|-------------------|---|-----------------------------------|
| Burgess           | Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society. | 347<br>16/01198/AS<br>16/01841/AS |
| Clarkson          | Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society. | 347<br>16/01198/AS<br>16/01841/AS |
| Clokie            | Made a Voluntary Announcement that he was a member of the Weald of Kent Protection Society. | 347<br>16/01198/AS<br>16/01841/AS |

## **346 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 15<sup>th</sup> February 2017 be approved and confirmed as a correct record.**

## **347 Schedule of Applications**

**Resolved:**

**That following consideration of (a), (b) and (c) below,**

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

**Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'**

**decisions be made in respect of Planning Applications as follows: -**

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|                           |  |   |
|---------------------------|--|---|
| <b>Application Number</b> | 15/01550/AS  |   |
| <b>Location</b>           | Highmead House, Hythe Road, Willesborough, Ashford, Kent, TN24 0NE   |   |
| <b>Grid Reference</b>     | 04265/41498  |   |
| <b>Ward</b>               | North Willesborough (Ashford)  |   |
| <b>Application</b>        | Outline planning permission with some matters reserved (layout, appearance, landscaping, scale and part access ) for residential development for the retention of Highmead House and the construction of 28 residential units with vehicular access from the A20 (to be either the provision of a priority junction or only an internal access link to a signalised junction if and when constructed on adjoining land to the west, with the closure/removal of the priority junction if constructed). |   |
| <b>Applicant</b>          | Mr Andrew Higgins, Highmead House Hythe Road, Willesborough, Ashford TN24 0NE  |   |
| <b>Agent</b>              | Mr Willam Hall, Broadlands Planning, 21 Grecian Road, Tunbridge Wells Kent TN1 1TG   |   |
| <b>Site Area</b>          | 1.6 hectares (Highmead site) 2.1 hectares (redline including highway)  |   |
| (a) 113/5R                | (b) -  | (c) KHS X, POL X, KCC (drainage) X, EA X, SW X, EHM X, SE X, NE X, KCC (heritage), KCC (DCU), HM X , KCC (PROW) X, IDB X, PO (drainage) R |
| <u>Amends</u>             |  |   |
| 113/3R                    |  | KHS X, EA X, KCC (PROW) X, NE X, PO (drainage) X, KCC (drainage) X, KWT X   |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. A further letter of objection had been received from a neighbouring resident.

In accordance with Procedure Rule 9.3, Mr Goodban, from Bellway Homes, spoke in objection to the application. He said there was common ground between Bellway,

the applicant and the Local Authority for the two plots of land to come forward as set out in the adopted Local Plan. Bellway Homes did not object to the principle of development, but objected to the shortcomings of the planning agreement suggested by the applicant at appeal. Bellway did not believe that both sites could be delivered without the respective landowners being fully engaged. There was insufficient clarity in detail with respect to the closure of the phase 1 access and the opening of the phase 2 access. Questions that had not been dealt with were who, what and when? Mr Goodban asked who would undertake the necessary works. If the development was built and occupied, and the developer's interest ceased, who would implement the phase 2 access? What would happen if the developer sold the land needed to implement that access? The phase 2 access would be an expensive exercise. Who would determine the amount of the bond, and how would that affect the viability of the scheme? Bellway had suggested that the access lands were transferred to Kent County Council but this had not been taken up. When would the various phases take place? When the phase 1 junction ceased and the phase 2 junction was opened, what would happen if the works were not completed? Any enforcement through the planning agreement could be protracted. Until these questions could be answered, Bellway Homes could not see how a resolution could be reached. The Officer's report stated that Bellway were unwilling to sign a S106 agreement. Bellway were not prepared to enter into a S106 agreement as none of the above provisions had been dealt with. If Bellway had been consulted, and had their comments been accepted in any forthcoming legal agreement, Bellway would happily sign. Bellway did not wish to stifle or prevent the site coming forward. Mr Goodban suggested to Members that an alternative resolution be considered, that both landowners entered into a legal contract with each other to ensure that both sites were unfettered and did not prejudice one another as part of the S106 agreement. Thus the Council could ensure that both sites were developable. If this was not possible Bellway should be consulted on the detail of the draft S106, and this should come back to Planning Committee, and not be dealt with by delegated powers.

In accordance with procedure Rule 9.3, Mr Hall, the agent, spoke in support of the application. Since early 2013 he had been involved with the application which was recommended by Officers, but refused by the Planning Committee. Since then he had been involved in four years of intensive effort and he was pleased to see the Officer's recommendation to approve this application. He asked Members to support that recommendation subject to a S106 agreement. Highmead House was part of the wider policy U14 residentially-allocated site. The residential development was deemed to be acceptable in principle by that policy, the previous planning appeal Inspector and Officers, and had not been prejudicial to the development of the wider site and the access to that site from the A20 to the hospital. It had been determined by the appeal Inspector and Officers that the site could accommodate 28 dwellings in site planning and infrastructure terms without material harm to the wider land, to protected trees and landscape, with Highmead House retained as a focal point. The terms of this application had been simplified, with access and dwelling numbers now for approval. The access arrangement had been negotiated closely with the Highways Authority, who supported the proposal. There would be initial access from the A20, which would then be closed, with the land restored and landscaped when the main U14 site access through to the hospital was approved and with a secondary

link into Highmead House. Bellway Homes, with their current application, were now committed to the residential development of the wider site, which showed the access to the hospital. The applicant's access arrangement now coincided with the Bellway Homes proposals. This would allow direct phase 1 access if constructed to be closed off, the land to be restored, and secondary access constructed to link through to the Bellway site access drive. This was a workable solution which could be achieved without any land ransoms on either side. The terms of the S106 costs had been negotiated and agreed with the Council's viability consultant. The planning appeal was dismissed because of technical difficulty with the signing of the S106 agreement, which had now been overcome. The planning application was worthy of Members' support, as recommended, and Mr Hall asked Members to approve the application.

**Resolved:**

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

**a. The issue listed in table 1**

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

**Table 1**

| <b>Planning Obligation</b> |   |   |  |
|----------------------------|---|---|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>  |
| 1.                         | <p><b>Access arrangements</b></p> <p>Provide access to the site from the A20 either via the priority junction or to the boundary of the site leading to the signalised junction on the neighbouring land.</p> <p>If access is first via</p> | <p>Landscaping details and estimated costs to be submitted by the developer and approved by the Council</p> | <p>Access to the site to be provided before the occupation of any dwellings.</p> <p>Landscaping to be carried out within 12 months of the signalised junction opening or the route to the boundary being provided (as the case may be).</p> <p>Landscaping details and estimated costs to be</p> |

| <b>Planning Obligation</b> |   |                  |   |
|----------------------------|---|------------------|---|
|                            | <b>Detail</b>   | <b>Amount(s)</b> | <b>Trigger Point(s)</b>   |
|                            | <p>the priority junction and construction of the signalised junction subsequently starts, to provide the route to the boundary of the site in preparation for the signalised junction being opened. When that junction is opened, to immediately cease use of the priority junction, landscape it in accordance with details to be approved and only access the site via the signalised junction.</p> <p>If access is first via the signalised junction, not to construct the priority junction and instead to landscape it in accordance with details to be approved.</p> <p>To pay to the Council the estimated cost of landscaping which the Council would be able to use should the developer not carry out the landscaping when due.</p> |                  | <p>submitted immediately. Permission will not be granted until the details and costs have been approved by the Council</p> <p>Payment to be made should the landscaping not have been carried out by the occupation of 75% of the dwellings</p> |

| <b>Planning Obligation</b> |   |  |   |
|----------------------------|---|--|---|
|                            | <b>Detail</b>   | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>   |
| 2.                         | <p><b>Adult Social Care</b></p> <p>Contribution towards providing extra capacity at the Age UK provision for the elderly at Farrow Court in Ashford.</p>  | £47.06 per dwelling  | Deferred (but potentially allocated from the pay regardless contribution)   |
| 3.                         | <p><b>Affordable Housing</b></p> <p>Provide not less than 20% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p> | <p>4 affordable rent units</p> <p>2 shared ownership units</p> | Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings |

| <b>Planning Obligation</b> |   |  |   |
|----------------------------|---|--|---|
|                            | <b>Detail</b>   | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>   |
| 4.                         | <p><b>Allotments</b></p> <p>Contribution towards complete restoration as working allotments of unused ground at Lower Vicarage Road Ashford.</p>  | <p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for future maintenance</p>  | Deferred (but potentially allocated from the pay regardless contribution) |
| 5.                         | <p><b>Children's and Young People's Play Space</b></p> <p>Contribution towards provision of new play area at Hythe Road Recreation Ground.</p>  | <p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for future maintenance</p> | Deferred (but potentially allocated from the pay regardless contribution) |
| 6.                         | <p><b>Community Learning</b></p> <p>Contribution towards additional equipment, specifically identified by the Ashford centre as IT dongles, mobile projector and tablets to support the additional new learners from this development in classes locally.</p> | £34.45 per dwelling  | Deferred (but potentially allocated from the pay regardless contribution) |
| 7.                         | <p><b>Controlled parking zone</b></p> <ul style="list-style-type: none"> <li>Contribution towards the making and implementation of a traffic regulation</li> </ul>  | TBC  | Deferred (but potentially allocated from the pay regardless contribution) |



| <b>Planning Obligation</b> |  |   |   |
|----------------------------|--|---|---|
|                            | <b>Detail</b>  | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>   |
|                            | order for the site.  |   |   |
| 8.                         | <p><b>Deferred contributions</b></p> <p>Mechanism to monitor sales/rental values to ensure that 40% of any rise in sales values is paid to the council towards the unfunded contributions in this table</p>  | Up to the value of the outstanding contributions                                    | To be paid if the circumstances prevail                                   |
| 9.                         | <p><b>Informal/Natural Green Space</b></p> <p>Contribution towards provision of public access project in Hythe Road Recreation ground – to comprise installation of all weather routes across the site and to play area with associated landscape improvements including planted and paved resting and picnic area for the disabled.</p> | <p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p> | Deferred (but potentially allocated from the pay regardless contribution) |
| 10.                        | <p><b>Libraries</b></p> <p>Contribution for improving Bookstock in Ashford District</p>  | £48.02 per dwelling   | Deferred (but potentially allocated from the pay regardless contribution) |

| <b>Planning Obligation</b> |  |  |  |
|----------------------------|--|--|--|
|                            | <b>Detail</b>  | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>  |
| 11.                        | <p><b>Outdoor Sports Pitches</b></p> <p>Contribution towards provision of new all-weather MUGA at Hythe Road</p>   | <p>£1,589 per dwelling for capital costs<br/>£326 per dwelling for future maintenance</p>                      | Deferred (but potentially allocated from the pay regardless contribution)                        |
| 12.                        | <p><b>Pay regardless contribution</b></p> <p>Lump sum payment towards the unfunded contributions in this table. The Head of Development, Strategic Sites and Design to decide on the apportionment of all monies received. Instalments to be index linked using the General Building Cost Index from the date of the resolution to grant</p> | <p>£383,762 less the monitoring fee and junction 10A contribution</p>  | Half upon occupation of 50% of the dwellings and balance upon occupation of 75% of the dwellings |
| 13.                        | <p><b>Primary Schools</b></p> <p>Contribution towards additional primary school places at the new North Willesborough/Kennington Primary School</p>  | <p>£831per flat<br/>£3,324per house<br/>£0 for any 1-bed dwelling with less than 56 m2 gross internal area</p> | Deferred (but potentially allocated from the pay regardless contribution)                        |
| 14.                        | <p><b>Secondary Schools</b></p> <p>Contribution towards the Highworth Phase 2 expansion Ashford</p>  | <p>£590per flat<br/>£2,360 per house<br/>£0 for any 1-bed dwelling with less</p>                               | Deferred (but potentially allocated from the pay regardless contribution)                        |

| <b>Planning Obligation</b> |  |   |   |
|----------------------------|--|---|---|
|                            | <b>Detail</b>  | <b>Amount(s)</b>  | <b>Trigger Point(s)</b>   |
|                            |  | than 56 m2 gross internal area  |   |
| 15.                        | <p><b>Junction 10A</b></p> <p>Contribution towards construction of junction 10A of the M20</p> <p>To be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p>   | £101,126.48 index-linked from the first quarter of 2004                                   | <p>Section 278 agreement to be completed before the grant of planning permission.</p> <p>Payment of the contribution as per the section 278 agreement</p> |
| 16.                        | <p><b>Strategic Parks</b></p> <p>Contribution towards the provision of pathways fencing, signage and the construction of a bridge over the dyke to enable controlled public access( and associated works) through the ecologically sensitive area of Conningbrook Country Park and Stour Valley Walk</p> | <p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for future maintenance</p> | Deferred (but potentially allocated from the pay regardless contribution)   |
| 17.                        | <p><b>Youth Services</b></p> <p>Contribution towards the conversion works at the North youth centre to provide additional space for</p>  | £26.89 per dwelling   | Deferred (but potentially allocated from the pay regardless contribution)   |

| <b>Planning Obligation</b>   |  |  |   |
|--|--|--|---|
|  | <b>Detail</b>  | <b>Amount(s)</b>                               | <b>Trigger Point(s)</b>   |
|  | sessions   |  |   |
| 18.  | <b>Monitoring Fee</b><br><br>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £1000 per annum until development is completed | First payment upon commencement of development and on the anniversary thereof in subsequent years |
| <p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are <u>index linked</u> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p> |  |  |   |

**(B)** Grant Outline Consent

Subject to the following conditions and notes:

1. Approval of the details of the layout, scale, landscaping and access other than the details coloured pink on drawings \* 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 Ashford Borough Council

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

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

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**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.

#### Materials & Visual amenity

3. 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.

4. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority. Reason: In the interests of the visual amenity of the surrounding area
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order or any subsequent Order revoking or re-enacting that Order, Highmead House shall not be demolished and no part of the existing wall surrounding Highmead House shall be demolished unless approved through a reserved matters approval.

**Reason:** In the interests of sustainable development and the visual character of the area.

#### Highways and Parking

6. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and reenacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

**Reason:** Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

7. Before the development is occupied or brought into use vehicle turning area(s) to allow for vehicles to exit the site in a forward gear, shall be provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and the area(s) shall be permanently retained available for this purpose in accordance with the approved details.

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

8. Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows in accordance with the details hereby approved and the details to be approved under conditions 7, 8 and 13:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(i) highway drainage, including off-site works,

(ii) junction visibility splays,

(iii) street lighting, street nameplates and highway structures if any.

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

9. A scheme for the provision of the disposal of surface water so as to prevent its discharge onto the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the Commencement of Development. Such scheme shall be implemented in accordance with the approved details prior to the occupation of the last dwelling on the site

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

10. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to

which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

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

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

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

12. Only one vehicular access between the site and Hythe Road shall be in use at any one time. Immediately upon the new vehicular access between the site and Hythe Road (known as the phase 1 access) being brought into use, the existing vehicular access to Highmead House shall immediately cease to be used by vehicles and shall be landscaped and made available for pedestrian use in accordance with the details approved under condition 1 within 12 months of the new vehicular access opening.

**Reason:** In the interests of Highway.

13. The provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.05 metres above carriageway level within the splays, shall be provided prior to the access hereby permitted being brought into use.

**Reason:** In the interests of Highway safety

#### Landscaping

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

for restoration, where relevant].

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

15. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

16. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority

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

17. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

(a) all trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction

(b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;



(d) No roots over 50mm diameter shall be cut, and no buildings, roads, or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

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

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

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan

18. The drive within the root protection areas of the protected trees shall be constructed to a no dig design following the recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) and APN 12 – Through the trees to Development (Arboricultural Advisory and Information Service).

**Reason:** In the interests of preventing damage to tree roots.

19. No work on site shall begin until such design has been submitted to and approved in writing by the Local Planning Authority. The construction of the drive approved shall then only be carried out in accordance with the approved specification unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** In the interests of preventing damage to tree roots

20. Replacement tree(s) shall be planted within 12 months of the removal of the original tree(s) covered by the Order. Full details of the number, size and species of the replacement tree(s) shall be submitted to, and approved by, the Local Planning Authority before replanting occurs. All new planting shall be of suitable stock, adequately staked and tied. If within a period of two years from the date of planting, a tree (or any replacement) is removed, uprooted, destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority has given their prior written consent

**Reason:** In the interests of protecting the visual amenities and character of the site and locality

21. 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, the dwellings hereby approved on Site A shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

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

### **Environmental Protection**

22. 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
- 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

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- 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

23. Prior to the commencement of development, a scheme for protecting the dwellings/development hereby approved from noise from (the A20) shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings/development are occupied, and thereafter shall be retained as effective protection.

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

24. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2. Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (LDF Core Strategy Policy CS1 and CS4)

#### **Sustainable design and construction**

25. The development shall be carbon neutral. Each dwelling hereby approved shall be constructed and fitted out so that:
- a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State;

b) carbon emissions are reduced by 15% through Low and Zero Carbon Technologies once energy efficiencies have been applied.

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

a) Standard Assessment Procedure ("SAP") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed.

b) Details of the LZC technologies to be used to achieve the 15% reduction in carbon emissions.

The development shall be carried out in accordance with the approved details. The approved LZC technologies shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until SAP calculations from a competent person have been submitted to and approved in writing by the Local Planning Authority for that dwelling stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions. No dwelling shall be occupied unless the notice for that dwelling required by the Building Regulations 2010 (as amended) of the potential consumption of wholesome water per person per day has been given to the Local Planning Authority

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

26. 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

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## Drainage

27. (i) 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 runoff rate and volume disposed off-site is restricted to that of the existing site without any increase to the on/offsite flood risk ).

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

i) a timetable for its implementation, and

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

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

28. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

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

**Reason:** In the interests of providing proper foul water sewage disposal

## Archaeology

30. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable

which has been submitted to and approved by the Local Planning Authority

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

**Ecology**

31. A mitigation strategy for hedgehog, common toad invertebrates on the site shall be submitted to and approved by the local planning authority prior to the commencement of works and shall be implemented in accordance with the approved details.

**Reason:** In the interest of protecting the ecology of the area and Core Strategy Policy CS11

32. A survey of water-bodies within 250m of the site to determine the presence of great crested newts shall be carried out prior to the commencement of works. The survey results shall include details of any mitigation measures that shall be submitted to and agreed with the Local Planning Authority and implemented in accordance with the approved details.

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

33. Any existing trees and hedgerows to be removed shall be undertaken outside the main breeding season from March to August inclusive. If vegetation cannot be removed outside the main bird breeding season, an inspection by a qualified ecologist must be first be completed a maximum of 48 hours before works commence. If during inspection a nest considered to be in use is discovered works must be delayed until the young have fled unless with the prior consent of the local planning authority. Reason: In the interest of protecting breeding birds on the site and Core Strategy Policy CS11

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

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

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

**Reason:** In the interest of Security, Crime Prevention and Community Safety in accord with Policies of Ashford Borough Council Core Strategy Plan 2008

36. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction

**Reason:** in the interests of providing good broadband connections

### Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used. Notes to Applicant
2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (tel 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)
3. Notwithstanding what is shown on any indicative plans the reserved matters should attempt to retain the existing TPO trees on the site as part the scheme if possible apart from those required to facilitate the access link to the south east by Highmead House
4. The approval is for 28 dwellings and is not agreeing the typologies and floor areas that may have been indicatively shown. The site is considered more appropriate for two storey development in particular on the more exposed northern parts of the site.
5. 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

#### 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/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted/ the amended plans did not address all the outstanding issues, and permission was refused...”
- The applicant was provided the opportunity to submit a viability case and then amendments to the scheme removing the phase 2 signalled access proposals and details of access link between the two phases. . .
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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|                                |  |
|--------------------------------|--|
| <b>Application Number</b>      | 16/01198/AS  |
| <b>Location</b>                | Former Kent Highways Depot, Ashford Road, High Halden  |
| <b>Grid Reference</b>          | 89083/37197  |
| <b>Parish Council</b>          | High Halden  |
| <b>Ward</b>                    | Weald Central  |
| <b>Application Description</b> | Demolition of existing buildings, walls and hard standing; erection of 25 residential units comprising 9 x 4 bedroom, 14 x 3 bedroom and 2 x 2 bedroom units; garages, parking and associated works (amended scheme to approval 12/01449/AS for 20 dwellings). |
| <b>Applicant</b>               | Chartwell Land and New Homes Ltd, 5A Fircroft Business Centre, Fircroft Way, Edenbridge, Kent, TN8 6EN   |



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|                  |   |     |  |
|------------------|---|-----|--|
| <b>Agent</b>     | Ms Andrews, Howard Sharp and Partners LLP, 125 High Street, Sevenoaks, Kent, TN13 1UT |     |  |
| <b>Site Area</b> | 1.24ha  |     |  |
| (a) 17/ 2R       | (b) Parish Council R  | (c) | KH&T X, PO(Drainage) X, KCC (Contributions) X, KASS -, SW X, EA X, Kent Police X, KWT -, NE X, CPRE -, HS X, EHM X, POS X, WKPS R, RA X, KPROW X, KCC(Bio) X |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There were two new updates and a further new project had been identified.

One of the Ward Members attended and questioned the affordable housing figures.

**Resolved:**

**Deferred to allow officers to negotiate the inclusion of some affordable housing within the scheme.**

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|                                |   |
|--------------------------------|---|
| <b>Application Number</b>      | 16/01412/AS   |
| <b>Location</b>                | Land between Aldington Fresh Foods and Brockenhurst, Roman Road, Aldington, Kent  |
| <b>Grid Reference</b>          | 34765/36793   |
| <b>Parish Council</b>          | Aldington   |
| <b>Ward</b>                    | Saxon Shore   |
| <b>Application Description</b> | Residential development to provide 10 No. houses together with associated access driveway, parking spaces and landscaping |
| <b>Applicant</b>               | Paul Browne Homes Ltd   |
| <b>Agent</b>                   | Kent Design Partnership   |
| <b>Site Area</b>               | 0.6 hectares  |

- (a) 103/58R 8S                      (b) Aldington & Bonnington PC - R                      (c) KHS X , KCCD X, KCC (DCU) x, KED X, PROW X, HM X, KCC (BIO) X, KCC (Heritage) X, PO (Drainage) X, EH (EP) X, SS X, SW X

In accordance with Procedure Rule 9.3, Mr Foster, a local resident, spoke in objection to the application. A large number of local residents of Aldington attended the Parish Council meeting and voiced their objections to this application. The Parish Council voted unanimously to oppose the application. In isolation, 10 homes did not seem very many, but this should be seen in the context of a village which had added over 150 dwellings over a 10-year period. This would result in up to approximately 50% increase in the population of the village over 15 years. The effect on the community was considerable. Access roads were narrow and dangerous, and were increasingly broken down. There was no public parking space, and the village roads were very congested. The village had a good reputation for local needs housing and for delivery, and had opted for a Village Protection Policy, which had been submitted to the Council. Mr Foster suggested that in order to keep faith with the residents, Members should honour the request that there was a temporary stop on further house building. Mr Foster requested deferral of this application in the context of the Village Protection Policy.

In accordance with Procedure Rule 9.3, Mr Collins, the agent, spoke in support of the application. He considered that Members should exercise care over the idea of some villages being protected, whilst others were not. In this particular village KCC and the Head Teacher at the school confirmed that there was capacity at the school. KCC Highways had not objected on highways grounds and there were no objections from statutory consultees, or any other consultees. There were also no objections from utility providers. The infrastructure in this village was sufficient to cater for this development. The best way of achieving sustainability was to find where there was capacity and provide schemes in those locations. This was a good, well-designed scheme and a tier 3 settlement. The Council had accepted this as a sustainable location. The Officer had set out fairly the circumstances of the case and there were no grounds for refusal on visual impact, and some objectors had accepted that this was a natural rounding off of the settlement. There was a full affordable contribution on the site, provided with good quality designs to meet local needs. Mr Collins asked Members to support the Officer's recommendation.

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

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. **The provision of affordable housing and contributions to libraries**

**b. Monitoring fee**

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

**Table 1**

|    | Planning Obligation  |  |   |
|----|--|--|---|
|    | Detail   | Amount(s)  | Trigger Point(s)  |
| 1. | <p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>35%</b> of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p> | <p>2 affordable rent units (plots 1 and 2)</p> <p>2 shared ownership units (plots 3 and 4)</p> | <p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p> |

|    | Planning Obligation   |  |  |
|----|---|--|--|
|    | Detail  | Amount(s)  | Trigger Point(s)   |
| 2. | <p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p> | <p>£48.02 per dwelling</p> <p>Total: £480.20</p> | <p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> |

**(A) Permit****Subject to the following conditions and notes:**

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

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

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

**Reason:** To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. No development shall commence until the applicant, or their agents or successors in title, have secured and implemented:
  - (a) 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
  - (b) 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.

4. No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water has been submitted and approved by the Local Planning Authority. This shall include the following:
- (a) that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD;
  - (b) retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.
  - (c) surface water runoff should be dealt with within the application boundary.
  - (d) identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.
  - (e) infiltration test results must be provided and tests completed in accordance with requirements from BRE Digest 365, with test locations identified.
  - (f) soakaways should be designed in accordance with the principles of Kent County Councils "The Soakaway Design Guide" – July 2000 and storage requirements identified within the Ashford Borough Council's Sustainable Drainage SPD.
  - (g) the submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) return the water to the natural drainage system as near to the source as possible, (vi) operate both during construction of the development and post-completion, (vii) prevent the discharge of surface water onto the highway.
  - (h) no drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of Ashford Borough Council. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, or groundwater aquifers.
  - (i) The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

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

**Reason:** In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development.

5. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority following consultation with the Parish Council. The approved statement shall be adhered to throughout the construction period and shall include:
- a) dedicated parking for all vehicles of site personnel, operatives and visitors;
  - b) areas for loading and unloading of plant and materials including on-site turning for construction vehicles;
  - c) storage of plant and materials;
  - d) programme of works (including measures for traffic management);
  - e) provision of secure boundary security hoarding behind any visibility zones;
  - f) wheel washing facilities;
  - g) measures to control the emissions of dust and dirt during construction;
  - h) banksman where reversing HGVs onto the highway
  - i) the location and layout of temporary site offices and sales office
  - j) proposed hours of working
  - k) details of any pile driving or other noisy equipment to be used.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to minimise disruption to neighbour amenity.

6. Prior to the commencement of development (excluding ground works) written details including source/ manufacturer, and/or samples of fenestration details, 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.

7. Prior to the first occupation of the development full details, of hard and soft landscape proposals, including:

- a) an implementation plan for planting;
- b) planting specification including the species, density and height along the boundaries of plots 2, 4 and 10 adjoining the access road;
- c) boundary fencing;

shall be submitted to and approved in writing by the Local Planning Authority.

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the

development hereby approved and maintained.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

8. Prior to first occupation, details of the badger-proof fenced corridor shall be submitted and approved in writing by the Local Planning Authority. This shall be installed at the bottoms of gardens above the sett slope and parallel and about 1 – 2 metres from the hedge to the road including details of hedging. This shall thereafter be maintained and not obstructed.

**Reason:** To divert the animals away from the residence so that the badgers could keep their traditional routes to and from their sett on land nearby and to their foraging areas on the other side of Roman Road, to create a biodiversity feature.

9. Prior to the first occupation of the premises/site, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. 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 unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

10. Before the first occupation of the dwellings on plots 5-9 hereby permitted the windows(s) at the first floor level on the flank walls shall be fitted with obscure glazing, fixed shut apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

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

11. Prior to the occupation of the dwellings the ecological mitigation detailed within the Biodiversity Enhancement Strategy prepared by Martin Newcombe dated November 2016 ref: D123. Aldington (TR060367).R2 must be implemented and retained for the life time of the development site.

**Reason:** To increase the biodiversity of the site and mitigate any impact from the development.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Schedule 2, Part 1, Class A shall be carried out on the dwelling houses permitted on plots 1-4 and 7-10.

**Reason:** To enable the Local Planning Authority to maintain the size of the gardens to maintain the occupiers living environment.

13. No development shall commence until the proposed vehicular accesses to Roman Road has been constructed in accordance with the approved plan, Drawing No. SK14 rev C, with no obstructions over 0.9 metres above carriageway level within the splays and thereafter shall be permanently maintained.

**Reason:** The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

14. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan Drawing No SK11 rev B, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be retained and maintained for their designated purposes.

**Reason:** The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

15. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner.

Any parts of hedges/hedgerows trees or plants which within a period of five years after planting or following first occupation of the development are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority shall be replaced in the next available planting season or sooner with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity and retaining boundary features.



16. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken to deal with contamination of land and/or groundwater, and where remediation is necessary a remediation scheme must be prepared to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment). 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. The proposal shall be completed in accordance with the approved details.

**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.

17. 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.

#### Approved Plans:

| Drawing number | Plan                               | Date Submitted |
|----------------|------------------------------------|----------------|
| 15.49.201      | Plots 1 and 2 Plans and Elevations | 28/11/16       |
| 15.49.202      | Plots 3 and 4 Plans and Elevations | 28/11/16       |
| 15.49.203      | Plot 5 Plans and Elevations        | 28/11/16       |
| 15.49.204      | Plots 6 Plans and Elevations       | 28/11/16       |
| 15.49.205      | Plots 7 Plans and Elevations       | 28/11/16       |
| 15.49.206      | Plots 8 Plans and Elevations       | 28/11/16       |
| 15.49.207      | Plots 9 Plans and Elevations       | 28/11/16       |
| 15.49.208      | Plots 10 Plans and Elevations      | 28/11/16       |
| 15.49.210A     | Proposed Street Elevations         | 02/03/17       |
| 15.49.SK11B    | Site Layout                        | 02/03/17       |
| 15.49.SK12     | Tenure Plan                        | 08/02/17       |

| Drawing number | Plan                            | Date Submitted |
|----------------|---------------------------------|----------------|
| 15.49.SK13     | Diagrammatic Site Sections      | 09/02/17       |
| 15.49.SK14C    | Refuse Vehicle Tracking Diagram | 23/02/17       |
| 15.49.SK15     | SSL Plan                        | 09/02/17       |
| 15.49.SK16     | Plot 10 Cart Barn               | 02/03/17       |
| 15.49.111A     | Plot 8 Double Garage            | 02/03/17       |
| 15.49.1000     | Site Location Plan              | 19/09/17       |

### Note to Applicant

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

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

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

In this instance:

- Given pre-application advice;
- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.

- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. This Authority also wishes to draw your attention to the Considerate Constructors Scheme. The developer, architect or contractor registers a site on the Scheme, which is then monitored against a Code of Considerate Practice. This is a voluntary Code of Practice, driven by the construction industry, which seeks to:-
- Minimise any disturbance or negative impact (in terms of noise, dirt and inconvenience) sometimes caused by construction sites to the immediate neighbourhood;
  - Eradicate offensive behaviour and language from construction sites; &
  - Recognise and reward the contractor's commitment to raise standards of site management, safety and environmental awareness beyond statutory duties.

The Council recommends that this site is registered with the Considerate Constructors Scheme - <https://www.ccscheme.org.uk/site-registration/site-registration-257/>

For further information contact:-

Considerate Constructors Scheme, PO Box 75, Ware. SG12 9LN  
Tel 0800 783 1423; [www.ccscheme.org.uk/](http://www.ccscheme.org.uk/)

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|--------------------------------|--|
| <b>Application Number</b>      | 16/01841/AS  |
| <b>Location</b>                | Land between The Hollies and Park Farm Close, Woodchurch Road, Shadoxhurst, Kent                                 |
| <b>Grid Reference</b>          | 97298/38130  |
| <b>Parish Council</b>          | Shadoxhurst  |
| <b>Ward</b>                    | Weald South  |
| <b>Application Description</b> | Erection of 12 dwellings, the creation of a new access from Woodchurch Road, new landscaping and ancillary works |

|                  |   |     |  |
|------------------|---|-----|--|
| <b>Applicant</b> | Jarvis Land LLP   |     |  |
| <b>Agent</b>     | West Waddy ADP The Malthouse 60 East St Helen Street<br>Abingdon Oxfordshire OX14 5EB |     |  |
| <b>Site Area</b> | 0.93 Hectares   |     |  |
| (a) 59/41R       | (b) SPC - R   | (c) | KH&T X; PO Drainage X;<br>KCC Drainage X; SW X; EA<br>X; KWT- X ; KCC Heritage<br>X; HS X; WKPS- R; CPRE-<br>R |

The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report. There were 6 new updates.

In accordance with Procedure Rule 9.3, Mr Ledger, a local resident, spoke in objection to the application. He said the application was important, not only to the future of Shadoxhurst's rural identity but also to the planning process in Ashford, where government-based expediency was overturning established local planning considerations. Members could approve the application and add another 12 houses to the land supply, or refuse permission in order to protect the very last green space on this side of the road in the village. If Members chose to refuse, Shadoxhurst residents would help the Council to defend their position at the pending appeal over the refusal of an application last year. The criteria against which it was considered unsuitable had not changed. The site was not in the draft Local Plan, having failed on sustainability grounds and it had been demonstrated that the draft Local Plan WS17 review had errors, making the site even less sustainable. The appeal document for the pending hearing stated that the site was not sustainable. Mr Ledger questioned what had changed in order for the application now to be recommended for approval. There were several key issues missing in the Officer's report. Firstly, the Officer gave no import to the value given by local residents to this field as an important green gap in a long ribbon of development through the village. 40 letters of objection had been received, and there had been no highlight to the comments made by a biologist who lived close to the field and had documented many visiting species. The ecology report had failed to cover this, and no update reports had been made available. A detailed summary on past flooding events was also submitted to the Officer, but not provided within the report. The proposed SUDS would not solve all the problems. Southern Water considered that any major development in the village would require the local sewerage system to be significantly upgraded first before any building work. Concerns had been raised regarding the road access. The report was heavily weighted towards the applicant and concerns over the 5-year housing land supply. The report was not fair or balanced to the residents of Shadoxhurst. The counter-arguments to the recommendation were strong, as were Council policies. Localism and local democratic processes should similarly remain strong. Mr Ledger asked Members to refuse the application.

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In accordance with Procedure Rule 9.3, Mr Jarvis, the applicant, spoke in support of the application. He said the Officer had prepared a comprehensive report which set out the consultant responses and assessed the policies against which the application should be considered. Mr Jarvis thanked Officers for working proactively with him to ensure that the previous reasons for refusal had been overcome. This had been achieved by designing an exemplar and sensitive scheme for a sustainable development. The houses would be built with premium quality materials and set out in a format sympathetic to the local surroundings. The number had been reduced from 15 to 12 houses. The S106 had been agreed and included the provision of affordable housing and other factors for the village. There were no technical objections to the application from Kent Highways, Southern Water, KCC Flood Risk, or the Planning Officer for drainage. There were no objections from Kent Heritage, Ashford Borough Council's Housing Services or the Environment Agency. The site was referred to in the Strategic Housing and Employment Land Availability Assessment as being available, suitable, achievable and deliverable. Jarvis Homes were well-known Ashford-based developers, who had been delivering high-quality family housing throughout the villages of the Borough for over 350 years. The company employed Ashford residents and Ashford-based contractors. This scheme was of direct economic benefit to the Borough. There were no technical objections to this application, which delivered open-market and affordable housing, local economic benefit, and which was NPPF compliant. This development would make a significant contribution to the 5-year housing land supply. Mr Jarvis asked Members to grant permission without delay. Once full consent had been granted, his intention was to withdraw the outstanding appeal.

In accordance with Procedure Rule 9.3, Mr Richmond-Coggan spoke on behalf of Shadoxhurst Parish Council, in objection to the application. He said Shadoxhurst Parish Council was a new professional Council, with significant business and local government expertise, and it represented a revitalised and increasingly proud village. Over the last year the Parish Council had been working hard with the villagers to develop a vision for Shadoxhurst, with impressive participation. The overriding desire was to rejuvenate pride in the village and keep the village feel and rural setting. Mr Richmond-Coggan said he was not only representing the Parish Council, but also the residents of Shadoxhurst. The detailed reasons for requesting refusal were provided in the 20 pages of Annex 2. In the Officer's report last year, recommending refusal, it was stated that the proposal to erect dwellings on the unallocated site, outside the built confines of the village, in the countryside, would be contrary to the Development Plan, with no adequate justification. The proposal would remove this important undeveloped gap and domesticate/urbanise the appearance of the countryside to the detriment of the character and appearance of the village street scene and visual amenity of the area as a whole. The proposal would be environmentally unsustainable. Mr Richmond-Coggan questioned what had changed since last year. It was recognised that this scheme was better than the one proposed last year, but no proposal could overcome the primary reason for requesting refusal. Rural villages were defined by the green spaces within them. The application could not be considered without cognisance of the application for 24 houses on a site opposite. This would remove the last vestige of countryside within Shadoxhurst. The impact of Chilmington Green on the village boundary should also be taken into account. Developers were purchasing rights to the field behind this

particular plot, which would deepen the development and take Shadoxhurst closer to Chilmington Green. If Members chose to let this application go ahead, the Parish Council would work hard to prevent further development behind the plot to protect the last green space within the village.

### **Resolved:**

#### **Permit**

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

- a) The provision of affordable housing, children's and young people's play space, informal/natural green space, libraries, outdoor sports pitches, primary schools and secondary schools,
- b) Monitoring fee

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

**Table 1**

| <b>Planning Obligation</b> |   |  |  |
|----------------------------|---|--|--|
|                            | <b>Detail</b>   | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>  |
| 1.                         | <b>Affordable Housing</b><br><br>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing | 4 affordable rent units<br><br>2 shared ownership units/ 2 affordable rent | Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings. |

| <b>Planning Obligation</b> |   |  |   |
|----------------------------|---|--|---|
|                            | <b>Detail</b>   | <b>Amount(s)</b>   | <b>Trigger Point(s)</b>                   |
|                            | shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement |  |   |
| 2.                         | <b><u>Informal/Natural Green Space</u></b><br><br>Contribution towards the provision of improved parking and access to play facilities at the Recreation Field, Hornash Lane  | £434 per dwelling for capital costs<br><br>£325 per dwelling for maintenance | Before completion of 75% of the dwellings |
| 3.                         | <b><u>Children's and Young People's play</u></b><br><br>Contribution towards the provision of Community Exercise Equipment at the Recreation Ground, Hornash Lane   | £649 per dwelling for capital costs<br><br>£663 per dwelling for maintenance | Before completion of 75% of the dwellings |
| 4.                         | <b><u>Outdoor Sports</u></b><br><br>Contribution towards the drainage project   | £1,589 per dwelling for capital costs  |   |

| <b>Planning Obligation</b>   |  |  |   |
|--|--|--|---|
|  | <b>Detail</b>  | <b>Amount(s)</b>                               | <b>Trigger Point(s)</b>   |
|  | for the recreation ground, Hornash Lane  | £326 per dwelling for maintenance              |   |
| 5.   | <b>Primary Schools</b><br><br>Extension at the John Wesley Primary School  | £3,324 per dwelling                            | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings<br><br>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3) |
| 6.   | <b>Secondary Schools</b><br><br>Extension to Homewood School (Modulars)  | £2359.80 per dwelling                          | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings   |
| 7.   | <b>Libraries</b><br><br>Contribution for additional bookstock at libraries in the Borough  | £48.02 per dwelling                            | Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings   |
| 8.   | <b>Monitoring Fee</b><br><br>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking | £1000 per annum until development is completed | First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)  |
| Notices will have to be served on the Council at the time of the various trigger |  |  |   |



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

(B) Subject to the following conditions and notes:

### **Implementation Period**

- 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

### **Archaeology**

- 2 Prior to the commencement of the development the applicant, or their agents or successors in title, will secure the implementation of an archaeological watching brief in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded in accordance with the NPPF.

### **Highways**

- 3 Full details of all highway and footway designs including pedestrian crossing of Woodchurch Road, all carriageway and footway materials, including all associated detailing and landscaping shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development unless otherwise agreed in writing with the Local Planning Authority.

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

4 (A) Prior to the commencement of development the following details shall be submitted to and agreed in writing with the Local Planning Authority. These approved details shall have been provided to the satisfaction of the Local Planning Authority and thereafter maintained for the duration of the development:

- The footways and associated visibility splays in Woodchurch Road, with no obstructions over 0.6m above footway level,
- The access and associated visibility splays with no obstructions over 1m above carriageway level, as shown on plan.

(B) Prior to the first occupation of the dwellings the following shall have been provided to the satisfaction of the Local Planning Authority and thereafter retained for the duration of the development

- Measures to prevent the discharge of surface water onto the public highway in accordance with details to be submitted to and approved in writing by the Local Planning Authority
- Use of a bound surface for the first 5m of any accesses from the edge of the highway

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

5 The area shown on the drawing number (SH2016/01 RevC) including 6 on street vehicle parking spaces, garages and turning areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the development and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

6 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

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

**Reason:** To ensure than 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.

## Trees

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

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

- 8 No trenches for underground services or foundations shall be commenced within the BS5837 root protection areas of trees identified as being retained or within 5 metres of any hedgerows without the prior consent of the Local Planning Authority in writing.

**Reason:** To prevent damage to trees and hedgerows on the site.

- 9 No cutting operations shall be carried out between 31st March and 31st August in any year.

**Reason:** In the interests of good forestry and to protect wildlife to accord with the requirements of the Wildlife and Countryside Act 1981.

- 10 All trees planted shall be protected against stock and rabbits when planted and such protection shall be maintained for the first five years from the date of the first occupation.

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

- 11 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

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

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

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

- 13 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g.

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drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

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

- 14 The details of soft landscape works required in condition 13 immediately above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

- 15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

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

- 16 Details of the design of all gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced and the development shall be carried out in strict accordance with the approved details unless previously agreed in writing by the Local Planning Authority. Thereafter these approved boundaries shall remain in perpetuity unless agreed in writing with the Local Planning Authority.

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

- 17 Details of an enhanced boundary treatment within the shared parking court for units 8-11 and the private parking area of unit 12 along the west boundary edge adjacent to the existing property known as 'The Hollies', to reduce disturbance from cars being parked, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In the interest of residential amenity

## Lighting

- 18 Details of a lighting strategy for the site shall be submitted to and approved in writing by the local planning authority. Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority.

**Reason:** To protect the appearance of the area, the environment and wildlife and local light-sensitive development from light pollution

## Sustainable Drainage

- 19 No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority. This should be based around the principles and details identified in the following documentation – '*Surface Water Drainage Statement for the Proposed Development at Woodchurch Road, Shadoxhurst, Kent– BY Herrington Consulting - Dated 19th December 2016*'.

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

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

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010.
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,

- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance). The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

Permission for discharging of surface water into the existing land drainage system, or ditch, should be received via formal written confirmation from either Kent County Council or the Internal Drainage Board, new structures (including outfall structures) will require land drainage consent. Evidence should be provided that the legal owner/s of the receiving watercourse (If not the applicant) agree to any modifications. A written specification for the responsibilities of each party in relation to management of the surface water ditch should be provided for use throughout the lifetime of the development.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures. This should include evidence that the system is capable of withstanding the critical 1:100 storm event + 40% Climate Change allowance.

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

## Sewerage

- 20 Before construction commences details of proposed sewage disposal system shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Southern Water. None of the dwellings shall be occupied until the sewage disposal works have been completed in accordance with the submitted plans.

**Reason:** To ensure the satisfactory disposal of sewage and avoid the risk of pollution.

## Ecology

- 21 Details of a scheme for the protection and enhancement of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife such as green corridors, ponds and swales and planting corridors wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to the Local Planning Authority within 6 months of the first occupation, and shall be approved in writing. The approved scheme shall be fully implemented prior to the occupation of the final dwelling on the site and thereafter maintained.

**Reason:** In order to ensure the development builds in opportunities for beneficial biodiversity as part of good design.

## Architecture

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

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

- 23 Details of the design of all key architectural elements of the buildings and gardens including windows; doors; bay windows; chimneys; porches; canopies; eaves; fascias; garages; car ports shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced and the development shall be carried out in strict accordance with the approved details.

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

- 24 Details of the location of flues, vents, stacks, extractor fans or meter boxes shall be provided in writing and should be avoided on the most prominent elevations to the streets, on any of the units.

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

## Lifetime Homes

- 25 All new dwellings shall be constructed to Lifetime Homes Standards or any subsequent equivalent standard unless otherwise agreed in writing by the Local Planning Authority.



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**Reason:** In the interests of the amenities of future occupiers of the dwellings on the site

### **Sustainability**

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

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

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

- 27 Details showing the provision of a water butt to all dwelling houses and any single flats provided with a private amenity space, shall be submitted to and approved in writing by the Local Planning Authority no less than one month before the first occupation of that property and the water butts shall then be installed in the agreed places and before the occupation of the associated property.

**Reason:** To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for water on site.

### **Ecology**

- 28 Prior to the commencement of development herpatile exclusion fencing shall be erected on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained as an effective barrier preventing the movement of herpatiles and shall remain in situ until the completion of the development.

**Reason:** To ensure that European and UK protected species are not harmed as a result of the development

- 29 No works to trees that may affect bats shall be commenced until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the existing population of bats and to improve the habitat for bats on the site.

### **Construction**

- 30 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 than 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.

- 31 Prior to works commencing on site, full details of off road parking for site personnel, contractor delivery vehicles 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 shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of the development.

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

- 32 Before the construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:
- i) Code of Construction Practice;
  - ii) Hours of working for construction (excluding bank holidays and Sundays)
  - iii) The management and location of utility services within the development;
  - iv) The provision of centralised telecommunications and television and radio reception and limitations to external aerials within the development;
  - v) The routing of construction vehicles and provision of appropriate signing or

vi) A system should be in place used to notify vehicles when space is available to notify vehicles when delivery space is available on the site to ensure no delivery vehicles park or deliver from any of the surrounding roads.

vii). On-site supervision including a dedicated access and parking control supervisor.

viii) Strict noise levels for working and piling are to be agreed

ix) Measures for the suppression of dust to avoid problems for neighbouring residents

x) Regular Contractor / Developer / ABC communications with local community and Parish Council to enable proper monitoring and enforcement and the feedback on problems.

Once agreed in writing , these matters approved shall then be implemented as approved.

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

### **Agricultural Access**

33 The access to the field at the rear northern boundary of the site, identified on the layout plan as an 'agricultural access', shall remain for the exclusive use of the land owner for the purposes of an agricultural access only and shall not be used as a public right of way

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

### **Car Barns**

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

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

### **Disabled Access**

- 35 The layout details (together with any other plans and sections as may be necessary) shall demonstrate the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided).

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

### **Residential Use**

- 36 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, the dwellings hereby approved shall only be occupied as single dwelling houses as described in Use Class C3 of the Town and Country Planning Use classes Order 1987 as amended.

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

### **Compliance & Build Quality**

- 37 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. Working with the Applicant

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

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

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

In this instance;

- The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters and provided the opportunity to amend the application or provide further justification in support of it.
- 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. High Speed Fibre Optic Broadband connection:**

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project.

Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design.

Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband.

We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

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Queries concerning these Minutes? Please contact Rosie Reid: Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk).  
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