

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **16<sup>th</sup> August 2017**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Bradford, Buchanan, Clarkson (ex officio), Clokie, Chilton, Dehnel, Galpin, Hicks, A Howard, Krause, Macpherson, Smith, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii) Councillors Chilton, Smith and Wedgbury attended as Substitute Members for Councillors Farrell, Ovenden and Heyes respectively.

### Apologies:

Cllrs. Farrell, Heyes, Ovenden.

### Also Present:

Senior Planning Officer, Head of Development, Strategic Sites and Design; Senior Solicitor (Strategic Development); Member Services Officer.

## 142 Declarations of Interest

Councillor	Interest	Minute No.
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda.	
Bennett	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda.	
Blanford	Made a Voluntary Announcement that she was a Member of the Weald of Kent Protection Society and Campaign to Protect Rural England neither of whom had commented on any item on the agenda.	
Clarkson	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda.	

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<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
Clokie	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society who had not commented on any item on the agenda.	
Dehnel	Made a Voluntary Announcement that he was a Member of Kingsnorth Parish Council.	144 – 17/00761/AS
Hicks	Made a Voluntary Announcement as she was a Member of Kingsnorth Parish Council.	144 – 17/00761/AS
Smith	Made a Voluntary Announcement as he had been employed by the Borough Council and involved in the process of planning landscaping of the original estate.	144 – 17/00761/AS
Wedgbury	Made a Voluntary Announcement as he was a Member of Kingsnorth Parish Council.	144 – 17/00761/AS

## **143 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 19<sup>th</sup> July 2017 be approved and confirmed as a correct record.**

## **144 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>	16/01548/AS
<b>Location</b>	Wye School, Kempe Centre, Olantigh Road, Wye, Ashford, TN25 5EJ
<b>Grid Reference</b>	05666/47023
<b>Parish Council</b>	Wye and Hinxhill
<b>Ward</b>	Wye
<b>Application Description</b>	Phases 2 and 3 of the proposed Wye school expansion comprising permanent use of the Kempe Centre for school use; refurbishment of the Kempe Centre to include new sixth form accommodation and minor alterations to the external appearance of the building to reflect internal reconfiguration; retention of the two existing temporary classroom cabins until the end of the 2018/2019 academic year; demolition of existing structures and some trees; erection of a new building comprising the main hall, 4 court sports hall and new teaching accommodation; new coach, car and cycle parking provision; new soft and hard landscaping; off-site highway works on Olantigh Road and other associated works.

<b>Applicant</b>	United Learning Trust
<b>Agent</b>	Miss A Schembri, RPS Planning and Development Ltd, 140 London Wall, London EC2Y 5DN

**Site Area** 0.91 ha

(a) 35/5R	(b) R	(c) KCC (H&T) R KCC (Heritage) – KCC (Biodiversity) - EH (EP) – PO (Drainage) –
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Amended plans:

(a) 35/2R	(b) R	(c) KCC (H&T) – Kent Downs AONB unit - X
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2<sup>nd</sup> Amended plans (Post design review):

(a) 35/2R	(b) R	(c) Kent Downs AONB Unit - X
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The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report and the updates and additional proposed conditions contained therein. She also read out a statement from the Ward Member, Cllr Ovenden, who had been unable to attend the meeting. The statement highlighted some concerns that Cllr Ovenden had and proposed some additional conditions should the application be permitted.

In accordance with Procedure Rule 9.3 Ms Williams spoke in support of the application. She advised the Committee that she was the Chair of Governors of Wye School and had addressed the meeting of the Committee in May when the application was first considered. From September there would be 450 pupils registered at the school and therefore there was an urgent need for permanent buildings for the school. The additional temporary accommodation was only sufficient for one year and should permission not be forthcoming the school would have little choice but to install more portacabins, which was not ideal. The proposal would be good for the local community and the independent Design Review Panel had agreed that the proposal would be positive. Some changes had been made in light of some comments made by the Design Review Panel, including a 13% reduction in the length of the building. The parking provision for both cars and coaches met all of the technical requirements of Kent Highway Services and would result in the drop off and collection of students on site rather than on Olantigh Road. Ms Williams advised that Kent Highways, Planning Officers and the Design Panel were all content with the proposals that were before the Committee for consideration. The proposal had been measured against current planning policy and they had fully co-operated with the Council throughout the 10 month application process. She welcomed the recommendation put forward by Officers and asked the Committee to consider both that and the urgent situation the school had found themselves in. She requested that the Committee permitted the application.

In accordance with Procedure Rule 9.3 Mr Bouverie from Wye with Hinxhill Parish Council spoke in objection to the application. He advised the Committee that at the previous Committee at which this application was considered Members had heard objections regarding the prematurity of the design, given that it came before the finalisation of the WYE3 masterplan, and that it did not comply with policy WNP11 j in the adopted Wye Neighbourhood Plan. Objections had also been made relating to inappropriate urban design, dangerous parking, drainage, reflective glass and the impact that a three storey building could have on other development. There were also concerns regarding an absence of control over pupil numbers. The Committee had requested that the application be considered by the Design Panel and this had resulted in a revised application, which was before the Committee for consideration. The Parish Council felt that the Design Panel's remit was limited and they had not had an opportunity to offer a different perspective. The addition of the green sedum roof, relocation of the PV panels and the reduction in the buildings overall length was welcomed, however the Parish Council did still have reservations regarding the reflective glass and many other concerns that were highlighted previously. Wye School represented a huge opportunity and it was rare for a secondary school to be set up in a rural location with easy access to farmland and the Downs and it was therefore important to provide a school that wasn't enveloped in tarmac, synthetic materials and chain fencing. The Parish Council felt that the design was similar to

any other urban secondary school and was bereft of any vision, ambition or imagination. Mr Bouverie questioned whether the children that would attend the school would be proud of being educated in the building. The Parish Council felt that the village was being forced to accept the proposal and with regret maintained its objections, whilst continuing to support the principle of the school. Their grounds for objection included inappropriate massing and the height of the building, the use of unsympathetic materials, the expanse of reflective glass, inadequate mitigation of the impact on the landscape and the failure to take this opportunity to enhance the AONB.

**Resolved:**

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

**Table 1**

<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point</b>
<p><b>Carbon Off-setting</b></p> <p>Contribution for funding carbon savings based on the residual carbon emissions of the building set out in the approved energy performance certificate and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</p>
<p><b>Monitoring fee</b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£500 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>

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

## (B) Permit

Subject to the following conditions and notes:

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

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

2. 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 any above ground works are commenced and the development shall be carried out using the approved external materials.

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

3. Before any above ground works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
  - (a) 1:20 scale sections and elevations of typical elevation details to both the sports hall and classroom block
  - (b) 1:20 scale drawings illustrating proposed parapet detailing
  - (c) Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material
  - (d) Details of rainwater goods

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

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4. Prior to the commencement of the work on site, construction vehicle loading/unloading and turning facilities shall be provided.

These shall remain in place for the duration of the development.

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

5. Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and local Highway Authority. This shall include details of the following:

- wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway

- access point for HGVs and site personnel

- provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction

- dust suppression methods

- plant and noise generated from operation of vehicles and machinery

- fencing/hoardings

- lighting

- HGV routing

- hours of operation

- any temporary traffic management/signage required

All details of construction management shall be adhered to during the construction period.

No construction vehicles shall reverse onto the public highway without assistance from a banksman.

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

6. The area shown on the drawing number WC-091 RevJ as vehicle parking space and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use of the new building on site is commenced 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

7. A Parking Management Plan for the parking area showing how the spaces shall be managed for the differing parking requirements ie. staff; pupil drop off/pick up etc. shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building.

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

8. Prior to first occupation of the new school building secure, covered cycle parking facilities shall be provided in accordance with details previously submitted and approved in writing by the Local Planning Authority. The parking shall be permanently retained.

**Reason:** To promote sustainable modes of transport

9. The onsite vehicle parking facilities shall be made available for the use of any out of hours weekend functions or sports events.

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

10. Prior to occupation of the new school building, the off-site highways works shown on Plan JNY8974-02 REV C shall be constructed and delivered.

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

11. No surface water shall discharge onto the public highway.

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

12. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:



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- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii further archaeological investigation, recording and reporting determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

13. No development shall be commenced until:

- a site investigation has been undertaken to determine the nature and extent of any contamination, and
- the results of the investigation, together with an assessment by a suitably qualified or otherwise competent person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first use of the development hereby permitted or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development:

- the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and
- a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise competent person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

**Reason:** To prevent pollution of the water environment and to avoid risk to the public, buildings and the environment when the site is develop

14. 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 has been submitted and approved by Ashford Borough Council.

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.

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

Infiltration test results must be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

Soakaways should be sized and designed in accordance with KCC "The Soakaway Design Guide" – July 2000.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) 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 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.

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.

If, during development, contamination not previously identified is found present then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with. Written approval from Ashford Borough Council must be obtained. The remediation strategy shall be implemented as approved.

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

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

15. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works:
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives including updated surveys where necessary;
  - c) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
  - f) Use of protective fences, exclusion barriers and warning signs;
  - g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

**Reason:** In the interests of biodiversity

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

Protection Plan (C122790-02-01\_RevA) 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.

17. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

- a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).

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- b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

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

18. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development in accordance with the approved details. 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 mitigate for the development and protect and enhance the amenity of the area.

19. The details of soft landscape works required in condition **18** 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.

20. 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.

21. 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.

22. All glazing within the east elevation of the proposed teaching block shall be non-reflective glazing.

**Reason:** In the interests of visual amenity and to reduce the impact of the development from views to the east.

23. No more than 600 pupils shall be registered at the school at any time.

**Reason:** To ensure that adequate parking facilities are provided.

### Notes to Applicant

1. Working with the Applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,

- the applicant/ agent responded by submitting amended plans, which were found to be acceptable
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.

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

2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority

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<b>Application Number</b>	16/01853/AS
<b>Location</b>	Land south west of Recreation Ground Road and north and east of Smallhythe Road, Tenterden, Kent
<b>Grid Reference</b>	88605/32902
<b>Town Council</b>	Tenterden
<b>Ward</b>	Tenterden South
<b>Application Description</b>	Variation of condition 6 on planning permission 14/00757/AS in relation to house layout/type on phases 3, 4 & 5; Variation of conditions 52, 54 & 76 on planning permission 14/00757/AS (phases 3, 4 & 5) and removal of condition 53 on planning permission 14/00757/AS
<b>Applicant</b>	Rachel Allwood, Dandara Ltd, KD Tower, Hemel Hempstead HP1 1FW
<b>Agent</b>	None
<b>Site Area</b>	10.15 ha

- |                |       |   |
|----------------|-------|---|
| (a) 121/1R; 2X | (b) X | (c) EA X<br>SW X<br>KCC H&T X<br>KCC PROW –<br>KCC Police X<br>ES -<br>NE –<br>Ramblers X |
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The Head of Development, Strategic Sites and Design drew Members' attention to the Update Report and clarified the Wards in which the application sat.

**Resolved:**

**(A) Subject to the applicant first entering into an agreement/deed of variation requiring the obligations in a unilateral undertaking relating to 14/00757/AS to apply to this permission and an obligation provision to provide clarity in respect of which planning permission – either 14/00757/AS or 16/01853/S – is being implemented in terms agreeable to the Head of Development, Strategic Sites and Design in consultation with the Director of Law and Governance, with delegated authority to the Head of Development, Strategic Sites and Design to make or approve changes to the obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

**(B) Permit subject to the following conditions**

Conditions on grant

- 1 The development shall be carried out in accordance with the phasing plans as approved under 14/00757/CONA/AS and 14/00757/CONG/AS or such other phasing plan which may be approved in writing by the Local Planning Authority subsequently.

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

- 2 Prior to the commencement of each phase of development hereby approved a programme of works for each phase of the development, confirming the phases of development and their sequence of implementation, and identifying within each phase all areas to be developed or landscaped, shall be submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details and programme unless otherwise agreed in writing by the Local Planning Authority.



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

- 3 The open space and replacement wildflower meadow on the southern boundary of the site shall be constructed and landscaped in accordance with details previously submitted to and approved in writing by the Local Planning Authority as part of the first phase of any development on the site.

**Reason:** To ensure the early replacement of the wildflower meadow and the provision of open space for the new residents in the early stages of the scheme in the interests of the amenity of the area and the occupiers of the new dwellings.

- 4 The on-site play area shall be constructed and landscaped in accordance with details previously submitted to and approved in writing by the Local Planning Authority under 14/00757/CONV/AS in accordance with the phasing agreed under condition 2. The details to be submitted shall include future management arrangements and the play area shall be maintained in accordance with the approved details.

**Reason:** In the interests of visual amenity and to ensure that the area is properly maintained

- 5 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.

- 6 The development within Phase 1 shall be carried out using the external materials approved under 14/00575/CONA/AS; and the development within phases 2-5 shall be carried out using the external materials approved under 14/00575/CONL/AS unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure that the high quality detailing is secured.

- 7 With respect to (a) to (n) below, the development shall be implemented in accordance with details approved by 14/00757/CONA (for phase 1-2); 14/00757/CONH/AS; 14/00757/CONK/AS; 14/00757/CONM/AS and 14/00757/CONO/AS (for phases 3 - 5).

- 1:20 sectional details through: window reveals and cills; eaves, fascias, soffits and barge boards; ridge, bays and dormer windows and decorative brickwork
- 1:20 vertical and horizontal sections through windows
- 1:20 sectional details through porches, entrance canopies and supporting brackets(including materials and finish, details of any supporting posts and related brick plinths and roofing materials)
- 1:20 details of any architectural features on the buildings including decorative hanging tiles, corbelling dentil courses and similar
- 1:100 sectional details to show the internal ceiling heights of the dwellings.
- Details of rainwater goods, balconies, including final colour finish
- 1:50 scale and sections sufficient to identify all external gas and electricity meters, their colour and the relationship of such meters to proposed adjacent ground levels whether hard or soft landscaped
- Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
- The location, height and design of any brick boundary wall, pier and coping
- The location and height of all proposed fences and gates including style, materials, detailing and final finish colour
- Details of any proposed extract vents and flues
- Precise details of type of render and the location of all render expansion joints and means of preventing water run off onto the rendered surface
- Details of over gutter roof ventilation
- Details of external storage areas

Thereafter, all dwellings buildings and structures within each phase to which the details of construction (a) – (n) inclusive relate shall be constructed in accordance with the details of (a) – (n) inclusive as approved by the Local Planning Authority in writing relating to the relevant phases and shall not be altered unless otherwise previously approved by the Local Planning Authority in writing.

**Reason:** Further details are required in order to

- (a) ensure that the external fine detail of dwellings and buildings/structures is of a high design quality
- (b) the development complies with adopted space standards,
- (c) to ensure that the completed development is of a quality sufficient to preserve and enhance the adjoining Conservation Area and,
- (d) in the interests of visual amenity.

- 8 Prior to the commencement of any superstructure works (i.e. damp proof course and above) for any of the buildings in a phase as agreed under Condition 2, control panels shall be constructed for phases 1-2 and photographs submitted to the Local Planning Authority and for phases 3-4 in accordance with details submitted under 14/00757/CONX/AS and **the panels** retained on site until the external elevations in that phase have been completed. These panels shall measure at least 2m x 2m, sufficient to demonstrate the typical details approved under Condition 8 for each of the dwelling types proposed for that phase, sufficient to act as a reference point for the details that shall then be incorporated into the dwellings and structures on the site

**Reason:** To ensure that the development meets the standard of high quality design purported in the Design and Access Statement and supported throughout the consultation process.

- 9 No flues, vents, grilles or meter boxes shall be installed on the elevation of any of the dwellings which front a highway or public space without the prior written consent of the Local Planning Authority.

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

- 10 The sash windows to the elevations of house types shall be fully operational and functioning sliding sash windows and these shall not be changed to alternative functioning/opening windows without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure a high quality development.

- 11 The windows and frames of all of the dwellings hereby approved shall be constructed from timber. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other

Order or any subsequent Order revoking or re-enacting that Order) these shall not be altered without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to ensure a high quality development.

- 12 The boundary treatments approved under 14/00757/CONA/AS for phases 1-2 and under 14/00757/CONK/AS for phases 3-5 shall be provided prior to first occupation of any of the dwellings within that phase.

**Reason:** In the interests of the visual amenity of the development to ensure that the boundary treatment is appropriate to that phase of the development; re-inforcing character and helping to achieve richness and variety.

- 13 Prior to the commencement of the development hereby permitted within each phase identified in the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, precise details of all hard landscaping used in the public realm for each such phase shall be submitted to and approved by the Local Planning Authority in writing. The details of hard landscaping for that phase shall be provided in accordance with the strategy set out on pages 46-48 of the Design and Access Statement 'Hard Landscape Strategy'; 'Hard Landscape Materials Schedule' and 'Hard Landscape Materials Palette', dated May 2014, and amended.

The details shall include:

- (a) A coloured up plan at 1:100 scale for that phase showing details of hard landscaping;
- (b) Written details of materials, including source/manufacturer of, and samples of block paving, setts; kerbs; flag paving and coloured surfacing to be used in the surface treatment.

**Reason:** In the interests of the visual amenity of the development to ensure that the hard landscaping is appropriate to that phase of the development; reinforcing character and helping to achieve richness and variety.

- 14 All external lighting (building lighting and bollard lighting within public open spaces) within each phase of the development shall be implemented in accordance with the details approved under 14/00757/CONA/AS (Phases 1 and 2) and 14/00757/CONM/AS (Phases 3-5) unless otherwise agreed by the Local Planning Authority in writing. The lighting shall be provided prior to first occupation on any of the dwellings within that phase.

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**Reason:** In the interests of the visual amenity of the development to limit the impact of lighting on sensitive local receptors, light emanating from the scheme and to comply with the adopted Dark Skies SPD 2014

- 15 (a) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no street name signage shall be installed within any public highway land unless otherwise agreed to in writing by the Local Planning Authority.
- (b) No dwelling hereby permitted shall be occupied unless and until a scheme for the provision of all street name signs (whether they are within public highway land or not) for the phase identified by the phased programme of works approved by the Local Planning Authority pursuant to Condition 2 within which that dwelling is situated has been submitted to and agreed by the Local Planning Authority in writing (in consultation with Kent Highway Services). Such scheme shall comprise of the following:-
- (i) Details of the location of all street name signs for the streets within and servicing the relevant phase;
  - (ii) Details of the precise positioning of street name signs to be attached to the elevations of buildings through submission of a 1:100 scale drawing within the relevant phase;
  - (i) Details of vandal proof fixings for street name signs shown as being affixed to perimeter railings within the relevant phase;
  - (ii) Copies of the easements to be granted to the Local Planning Authority in relation to the locations within the relevant phase where street name signs are to be affixed to railings to facilitate the initial installation and periodic maintenance of such signs by the local authority.
- (c) The scheme for the provision of street name signage within the relevant phase shall be implemented (including the grant of easements as referred to in b) iv) above) as approved by the Local Planning Authority prior to the occupation of any dwelling within the relevant phase unless otherwise approved by the Local Planning Authority in writing. Thereafter such street name signage shall be retained unless otherwise agreed by the Local Planning Authority in writing.

**Reason:** In order to de-clutter and improve the visual appearance of the public realm and to help limit damage to street name signs generally with

attendant implications for long term maintenance at public expense.

- 16 Prior to the occupation of the dwellings on plots TW28 – TW34 (inclusive) the bollards shown on plan 5654U/002\_G and measures to prevent supermarket shopping trolleys being brought onto the site from the adjoining supermarket shall have been provided in accordance with details previously submitted to and approved by the Local Planning Authority in writing. The bollards shall thereafter be retained in place and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and the visual amenity of the area.

- 17 Prior to the occupation of the opening of the road in front of plots WSL76-WSL81 (inclusive) shown on plan 5654U/002\_G a vehicular barrier shall have been provided in accordance with the details approved under 14/00757/CONI/AS. The barrier shall thereafter be retained in place and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and the visual amenity of the area

- 18 Prior to first occupation of each phase of the development, details of the Controlled Parking Zone shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include any signs, lines and any other highway apparatus associated with the CPZ, and their siting within that phase of the development. The CPZ shall be implemented in accordance with these details unless otherwise agreed by the Local Planning Authority in writing.

**Reason:** To ensure that streets remain free of clutter in the interests of visual amenity.

- 19 Within 6 months of the commencement of the development hereby permitted details of public art to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority in the form of a “Public Art Brief”.

Such Public Art Brief shall include:

- (a) details of proposed public engagement with the production of the artwork to be provided,
- (b) details of the location type and form of such public art,

- (c) a timetable for the manufacture and installation of the public art within the development, and;
- (d) details of the arrangements for the ongoing maintenance thereof.

The public art shall be implemented retained and maintained in accordance with the details approved by the Local Planning Authority unless otherwise agreed by the Local Authority in writing.

**Reason:** In the interests of ensuring the most appropriate locations for public art are secured in the interests of good planning and urban design.

- 20 Prior to the commencement of the development hereby permitted within each phase identified in the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, 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 to and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupation of each dwelling to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no development shall be carried out to preclude the availability or use of these facilities.

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

- 21 Prior to the commencement of the development hereby permitted within each phase identified in the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, full details of a hard and soft landscaping scheme for each phase (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. Details of boundary treatment in relation to plot WSL99 should not limit the visibility splays to the adjacent junction.

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

- 22 All hard and soft landscape works approved under condition 22 shall be carried out in accordance with the approved details. For each phase works shall be carried out prior to the occupation of any part of the relevant phase of the development or in accordance with a programme previously agreed in writing with the Local Planning Authority.

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

- 23 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.

- 24 The planting details submitted for the phase which includes the southern boundary (Green Edge) of the site shall include provision for a new boundary treatment comprising native hedgerow and native hedgerow trees. The approved details shall then be carried out in accordance with the requirements of conditions 22-24 inclusive.

**Reason:** To ensure an appropriate boundary treatment at the southern edge of the developed part of town and in the interests of the amenity of the area.

- 25 Prior to the soft landscaping works approved under condition 22 being commenced a 'soft landscaping implementation notice' shall have been served on the Local Planning Authority in writing stating the date of commencement of landscaping works relating to that phase and the anticipated date of completion of the soft landscaping works within the relevant planting season.

Within 10 working days of the completion of the approved soft landscaping works other than for street trees a 'soft landscaping completion notice' shall have been served on the Local Planning Authority in writing in respect of the relevant phase. Such notice shall identify that phase by reference to a plan and state the date on which the plot landscaping works were considered as being completed in accordance with Condition 22

**Reason:** To enable the local planning authority to monitor soft landscaping works for compliance with the approved soft landscaping details

- 26 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 the final landscaping plot completion notice for each phase 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



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agreed in writing with the Local Planning Authority.

**Reason:** To ensure the continuity of amenity afforded by existing hedges or hedgerows.

- 27 The proposed ponds shown on plan 5654U/002\_G shall be constructed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant phases of development.

The scheme shall include the following features:

- Native plant species of local provenance
- New roads around the pond should have small /dropped curbs to allow safe passage of amphibians
- Tree protection measures
- Levels

**Reason:** To ensure that the proposed ponds are developed in a way that contributes to the nature conservation value of the site in accordance with national planning policy by providing suitable habitats for wildlife.

- 28 Prior to the occupation of 113 dwellings on the site or the Recreation Ground Road access to the site having been brought into use whichever is the sooner, the landscaping proposals shown on plan 25638-001-040 D shall have been implemented in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority. 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 and to help assimilate the development into the area.

- 29 In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of first occupation of each phase

- (a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All trees works shall be carried out in accordance with BS3998 Recommendations for Tree Work).
- (b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

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

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

- 31 No cutting operations shall be carried out between 31 March and 31 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.

- 32 A landscape management plan for the replacement wildflower meadow, including long term design objectives, management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of Phase 1 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.

- 33 A landscape management plan relating to each phase of the development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and public footpaths, 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 that phase of the development. The landscape management plan shall be carried out as approved unless previously agreed otherwise in writing by the

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Local Planning Authority.

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

- 34 The public open space shown on plan s106-6A shall be laid out and managed in accordance with the details approved under conditions 22, 23, 33 and 34 and shall be retained available for use by the public unless previously agreed in writing by the Local Planning Authority.

**Reason:** To ensure the provision of on-site public open space sufficient to replace the existing wildflower meadow to the south of the Tenterden Leisure Centre and to meet the needs of the future residents of the development.

- 35 Prior to the commencement of the Three Fields Character Area as shown on page 28 of the Design and Access Statement dated May 2014 of the development, a detailed survey relating to the proposed path layout within the TPO woodland shall be submitted to and approved in writing by the Local Planning Authority. The survey shall include the precise position as well as condition of the trees within the area as well as identifying trees that are to be removed and construction method of the paths to ensure that the retained trees are not harmed. The development shall then be carried out in accordance with the approved details.

**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.

- 36 Prior to the development of each phase, a public realm study of the key junctions and typical road sections of that phase shall be submitted to and approved in writing by the Local Planning Authority.

The study shall include, but not be limited to the following:

- How anti-social parking can be self-managed;
- Surface treatments;
- Delineation of spaces;
- Delineation of controlled parking areas,
- Street planting (location and species); and
- Swept path analysis.

The detailed design of the public realm shall then be carried out in accordance with the details approved under this condition and the full design submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on that phase. The approved design shall subsequently be implemented in accordance with the approved details.

**Reason:** To ensure that a high standard of urban design is delivered

- 37 No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained and within 5 metres of any hedgerows also shown to be retained without the prior written consent of the Local Planning Authority. Any trenches for underground services should be in accordance with the current National Joint Utilities Group guidelines.

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

- 38 Prior to the commencement of the development hereby permitted within each phase identified by the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, details of final levels for each phase of the development including slab levels of the buildings, road levels, the levels of planted areas, full plan and cross-section details of any proposed earthworks have been submitted to and approved in writing by the Local Planning Authority.

These details shall include any proposed grading and mounding of land areas and full details of existing and final levels throughout the development also showing the levels of the proposed development in relation to the existing ground levels of the properties along Bridewell Lane and Six Fields Path.

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

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

- 39 The approved scheme shall be fully implemented prior to the occupation of the final dwelling in accordance with the ecological enhancements approved under 14/00757/CONB/AS (phases 1-2) and 14/00757/CONF/AS (phases 3-5). and thereafter maintained.

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

- 40 Herpatile exclusion fencing shall be erected around the perimeter of each phase in accordance with the details approved under 14/00757/CONB/AS and 14/00757/CONF/AS. The fencing shall thereafter be retained as an effective

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barrier preventing herpatiles from entering each phase of the site and shall remain in situ until the completion of that phase of the development.

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

- 41 The approved scheme shall be carried in accordance with the detailed mitigation strategy approved under 14/00757/CONA/AS; 14/00757/CONB/AS and 14/00757/CONF/AS. All works shall then proceed in accordance with the approved strategy with any amendments agreed by the Local Planning Authority in writing.

**Reason:** To ensure adequate protection of and mitigation of the effects of the development on GCNs which are a European Protected Species.

- 42 Any works that might affect Badgers or their habitat; shall be carried out in accordance with a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed by the Local Planning Authority in writing.

**Reason:** To ensure adequate protection of and mitigation of the effects of the development on Badgers which are a European Protected Species.

- 43 The development shall be carried out in accordance with the summary and conclusions relating to protected species in the Ecological Assessment by Ecology Solutions Ltd May 2014.

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

- 44 The areas shown on the approved plans as vehicle parking space, garages and turning areas shall be provided, surfaced and drained in accordance with details previously submitted to and approved in writing by the Local Planning Authority before the occupation of the dwelling/s to which they relate, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) shall be carried out on those areas of land so shown or in such a position as to preclude vehicular access to those parking spaces and turning areas.

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

- 45 The vehicle turning areas hereby approved shall be provided prior to the phase of the development to which they relate being occupied or brought into use and thereafter the area shall be retained available for this purpose.

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

- 46 Prior to the commencement of the development hereby permitted within each phase identified by the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, details of the construction of any non-adopted private roads which are to be accessed by refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with paragraphs 9.1 and 9.1.1 of Ashford Borough Council's document "Land adoption and public service provision in Ashford- a guide for developers". The relevant non-adopted roads shall then be constructed and maintained in accordance with the approved details.

**Reason:** In order to allow refuse vehicles to be operated in this location.

- 47 (a) Before the first occupation of each and every dwelling hereby permitted the following works between each dwelling and the nearest carriageway shall be completed as follows:
- i) Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - ii) Carriageways shall be completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - (1) highway drainage, including off-site works,
    - (2) junction visibility splays,
    - (3) street lighting, street nameplates and highway structures if any.
- (b) The final wearing course shall be applied within one year of the final dwelling of each phase being occupied.

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

- 48 Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each junction and communal car parking entrance prior to the first use of each access to which it relates is

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brought into use. The visibility splays shall be subsequently maintained free of obstruction

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

- 49 The bicycle storage facilities approved on plan 5654U/002\_G shall be provided prior to the occupation of any part of the development hereby approved which they serve and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

- 50 The pedestrian routes into the site from Bells Lane, Recreation Ground Road and Smallhythe Road shall be retained in perpetuity and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) shall be carried out so as to preclude use of the routes by pedestrians.

**Reason:** In order to provide greater connectivity between the site and its surroundings for pedestrians pursuant to Tenterden and Rural Sites DPD policy TENT1.

- 51 No dwellings immediately south of the Leisure Centre (Plots WSL1 – 50) shall be occupied until details of the pedestrian connection between the highway within the site and Sandy Lane have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and available for use before the plot adjacent to the access (plot 21) is occupied.

**Reason:** To ensure adequate connection to the existing pedestrian network in the interests of the existing community and the future residents of the development.

- 52 No more than 211 dwellings on the site shall be occupied until:

- (a) The highways connection between Recreation Ground Road and Smallhythe Road shown on plan 5654U/002\_G has been constructed and is available for use by the general public in accordance with the details previously submitted to and approved in writing by the Local Planning Authority.
- (b) The highway improvements to Recreation Ground Road and Smallhythe Road shown on plan 5644U/022\_G have been constructed and are available for use by the general public in accordance with the

details previously submitted to and approved in writing by the Local Planning Authority.

- (c) The car parking, access and turning areas to the west south west and the parking area to the east north east of the Tenterden Leisure Centre have been reorganised and extended. A layout plan allowing for the existing access to the Leisure Centre to remain until construction operation has ended and there is no longer a need for large vehicles to access this main part of the site, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority.

**Reason:** In the interest of highway and pedestrian safety and to ensure the development is integrated with the town centre and accessible by sustainable modes of transport.

- 53 No dwellings shall be occupied on the site unless and until arrangements have been made with Kent County Council for the re-phasing of the East and West Cross in accordance with details that have previously been submitted to and approved by the Local Planning Authority in writing in consultation with Kent Highways and Transportation.

**Reason:** To accommodate the additional traffic generated by the development and in the interests of highway safety and convenience.

- 54 No dwellings shall be occupied from Smallhythe Road until the footway from the Tesco site entrance to the southern junction has been widened to 2m.

**Reason:** In order to provide suitable pedestrian facilities along Smallhythe Road in the interests of highway safety.

- 55 Prior to the erection of plots TW43-TW61(inclusive) the existing Public Right of Way AB32 shall have been diverted and be available for public use in accordance with any approved diversion order to be granted by Kent County Council and shall thereafter be retained in situ and free from obstruction in perpetuity

**Reason:** In the interests of preserving the amenity of its users and the functioning of the countryside.

- 56 The construction of each phase of the development shall be carried out in accordance with the Code of Construction Practice approved under 14/00757/CONC/AS (Phase 1 and 2) and 14/00757/CONP/AS (Phases 3-5) 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.



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**Reason:** To protect the amenity of local residents during and following development in accordance with Policy EN1 of the Local Plan.

- 57 Prior to the commencement of the development hereby permitted within each phase identified by the phased programme of works approved by the Local Planning Authority pursuant to Condition 2, underground ducts shall be installed before any of the buildings hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

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

- 58 All footpaths shown on approved plan 5654U/002\_G shall be surfaced with materials details of which shall previously be submitted to and approved in writing by the Local Planning Authority. The paths shall then be constructed in accordance with the approved details. All footpaths shall be completed and available for use prior to the occupation of the dwelling(s) to which it relates. All footpaths shall be completed in accordance with the approved details prior to the occupation of the final unit on the site and thereafter shall be kept open to the public at all times.

**Reason:** In the interests of public safety, convenience and amenity and to ensure the satisfactory completion of the approved layout for the site.

- 59 Prior to the occupation of each building forming part of the development hereby approved the works for the disposal of sewage serving that building shall be provided on the site in accordance with details previously submitted to and approved by the Local Planning Authority in writing unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure proper sewage disposal and avoid pollution of the surrounding area.

- 60 The development shall be occupied when information has been submitted to the Local Planning Authority which confirms that adequate capacity has been provided off site to serve the development. This information shall include corroboration of the adequacy of the capacity from Southern Water.

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

- 61 Prior to the occupation of units TW18 – TW27 (inclusive) shown on plan 5654U/002\_G, the drainage connections shown on plan 25638/004/001J shall have been installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To improve the drainage capacity in this part of the town and in the interests of the amenity of the occupiers of adjoining dwellings.

- 62 Prior to the commencement of each phase as identified in the phased programme of works approved by the Local Planning Authority pursuant to Condition 2 plans and particulars of a sustainable drainage system (including the details set out below) for the disposal of the surface water for each such phase shall be implemented in accordance with 14/000757/CONA and 14/000747/ConU/AS and approved by the Local Planning Authority in writing.

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

The submitted system shall be designed to:

- (a) avoid any increase in flood risk,
- (b) avoid any adverse impact on water quality,
- (c) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (d) promote biodiversity,
- (e) enhance the landscape,
- (f) improve public amenities,
- (g) return the water to the natural drainage system as near to the source as possible and
- (h) 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 its future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

The system for the disposal of surface water within each phase shall be provided in accordance with the details and timetable approved by the Local Planning Authority in writing in relation to the relevant phase. Once provided the system shall be maintained in accordance with the details approved by the Local Planning authority in writing and shall be retained in working order until such time as the relevant phase ceases to be in use. If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water (or successor undertaker) of their agreement to the proposals.

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

63 The details hereby permitted under 14/00757/CONA and 14/00757/CONU in respect of the following shall be implemented :

- (a) Surface water drainage plan for within that phase clearly indicating channels, pipes, culverts, ponds, hydraulic controls and any other drainage features.
- (b) Drainage calculations to demonstrate capacity of swales and other drainage features for 1 in 30 year rainfall event and 1 in 100 rainfall event with consideration of climate change.
- (c) Drainage calculations to support the determination of the release rates and specification of release rates at each outfall.
- (d) Cross-sectional and longitudinal information of pipes, culverts and swales indicating the relationship with the highway, including and not limited to invert and cover levels.
- (e) Further information on proposed maintenance regimes for vegetated areas in relation to drainage features which have the potential to impact the highway.

Thereafter the development within the relevant phase shall be implemented in accordance with the approved details relating to that area of use unless otherwise agreed by the Local Planning Authority in writing

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

- 64 Details of the location and type of rainwater butts to be installed on each dwelling shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided and connected to a rainwater downpipe. The rainwater butts shall thereafter be retained.

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

- 65 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) the attached and detached car barns shown on plan 5654U/002\_G shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further doors or internal structures / obstructions without the prior permission of the Local Planning Authority in writing.

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

- 66 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no additional structural posts boundary fences or walls shall be created within the approved car barns or parking areas below residential accommodation without the prior permission of the Local Planning Authority.

**Reason:** Additional structural posts have the capacity to obstruct the opening of vehicle doors and bring the minimum internal dimension below that forming Council SPD policy.

- 67 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no development shall be carried out within Class A of Part 1, Class A of Part 2 and Part 40 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

**Reason:** To ensure against inappropriate extensions being created to homes and thus protect character and amenities of the locality and in the interests of visual amenity.

- 68 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) no windows, or similar openings shall be constructed in the first floor of the south elevation of plots TW28, TW93, WSL97, the first floor of the east elevation of plots TW99 and WSL18 and the first and second floor of the south west elevation of plot WSL39, other than as hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the amenity of occupants of the adjoining property in accordance with Policy EN1 of the Local Plan.

- 69 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order or any subsequent Order revoking or re-enacting that Order) shall be occupied as single dwelling houses hereby 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 future occupiers of the development

- 70 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic landscape survey relating to each phase of the development in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

- 71 The applicant, or their agents or successors in title, shall secure the retention, integration and conservation of specific historic landscape features in accordance with the written specification and timetable relating to each phase of the development approved under 14/00757/CONA/AS (phases 1-2) and 14/00757/CONE/AS (Phase 3-5).

**Reason:** To ensure that features of historic landscape interest are properly conserved.

- 72 The development shall take place in accordance with the archaeological field evaluation works for each phase approved under 14/00757/CONA/AS and 14/00757/CONE.

Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further

archaeological investigation and recording shall be carried out in accordance with a specification and timetable relating to the relevant phase of the development which has been previously been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

- 73 The applicant, or their agents or successors in title, will implement a programme of heritage interpretation measures relating to each phase of the development in accordance with the details approved under 14/00757/CONA/AS and 14/00757/CONN/AS.

**Reason:** To ensure that appropriate conservation and interpretation of the heritage assets within the application site is achieved and that information on the assets is publically accessible

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

No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesale 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 confirm the sustainability of the development and a reduction in the consumption of water.

### Notes to Applicant

- 1 This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
- 2 The site will be subject to a Section 278 Highway Agreement with Kent County Council Highways.
- 3 It is expected that from summer 2015 Kent County Council will have a statutory obligation to approve the design of, and adopt SUDS on new residential developments in Kent. I would recommend the applicant contact their Flood Risk Management Team before embarking on the detailed design of the SUDS elements. Contact details are below:-

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Flood Risk Manager | Kent County Council. Planning and Environment, Invicta House, County Hall, Maidstone, Kent, ME14 1XX t: 01622 221691 | e: max.tant@kent.gov.uk | [www.kent.gov.uk](http://www.kent.gov.uk).

- 4 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:03303030119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- 5 The applicant is reminded that planning consent does not confer a right to disturb or divert any public right of way at any time without the express permission of Kent County Council's PROW and Access Service.
- 6 It is noted in para. 12.7 of the FRA that the 100 year flood meadow water levels are designed to be at least 300mm below the lowest floor level adjacent. We would request that this freeboard level of 300mm is applicable only to non-sleeping accommodation and increased to a minimum of 600mm for any ground floor sleeping accommodation. This is in order to reduce the likelihood of ingress of flood water into the new dwellings from the flood meadows.

The EA has requested that where new bridges or culverts are to be installed for access across the ordinary watercourses on the site, that they be designed to accommodate the critical 100 year flood flow (including an allowance for climate change). This is in order to reduce the likelihood of blockages occurring as a result of insufficiently sized culvert pipes or bridge soffits being set too low, which may result in water backing up and flooding adjacent land and possibly dwellings on the site. We would also encourage an element of freeboard to be included in the culvert or bridge design in order to reduce flood risk. However we would not expect this recommendation to be implemented in the surface water storage areas at the southern end of the site, where flows are attenuated via hydrobrakes.

With regard to the sustainable drainage design proposed for the site, the EA would encourage greater use of pervious paving, where practical in order to provide further opportunities for treatment and conveyance of surface water. In addition we would recommend the use of grey water recycling and rainwater harvesting to reduce potable water consumption and reduce surface water discharge.

Any watercourse within and adjacent to the boundary of the site would be classed as an 'ordinary watercourse' and comes under the terms of the Land Drainage Act 1991, (as amended by the Flood and Water Management Act 2010), whereupon any culvert, diversion, weir dam or like obstruction to the

flow of the watercourse requires a flood defence consent (also known as a 'land drainage consent') from Kent County Council. In the absence of any agreement to the contrary, maintenance of the watercourse is the responsibility of the riparian owner. Applications for consent should be made to Kent County Council (suds@kent.gov.uk; main switchboard number is 0845 8247 247).

The applicant/agent is advised to seek the input of the Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that all efforts are made to incorporate the principles of Designing out Crime (A Kent Design Guide for Developers Designers and Planners) into the high quality design of any proposal.

The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234

## 7 Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
  - was provided with pre-application advice,
  - the agent responded by submitting amended plans,
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<b>Application Number</b>	17/00761/AS	
<b>Location</b>	12 Conker Close Kingsnorth Ashford TN23 3LL	
<b>Grid Reference</b>	60133/13944	
<b>Parish Council</b>	Kingsnorth	
<b>Ward</b>	Park Farm North	
<b>Application Description</b>	Retrospective erection of 1.8m fence to boundary and change of use of land from amenity to residential use.	
<b>Applicant</b>	Mr P O'Brien 12 Conker Close, Kingsnorth, Ashford, TN23 3LL	
<b>Agent</b>	Mr P Webster 18 Dukes Meadow, Hamstreet, Ashford, TN26 2HD	
<b>Site Area</b>	50m <sup>2</sup>	
(a) 7/2S	(b) R	(c) -

In accordance with Procedure Rule 9.3 Dr Moorby from Kingsnorth Parish Council, spoke in objection to the application. She advised the Committee that when the estate of Park Farm was first planned she had been on the Parish Council and had been involved in the planning process. The aims of the estate had been to ensure a safe environment to move about in and an area that would contribute to the health and wellbeing of the community and wildlife. These aims had been achieved, with walkways and cycleways separated from traffic by landscaped verges and the inclusion of frequent open spaces. Lately there had been a move to change some of these open spaces, which in effect made the estate feel enclosed and claustrophobic. She was concerned over retrospective applications and felt this proposal was not in keeping with the aims of the estate. Wide planted verges created a pleasant environment and seeking to reduce this and erect high fences was unsatisfactory. The Parish Council was concerned that residents were attempting to take public land into their own gardens. She requested that the Committee refused the application.

**Resolved:**

**(A) Refuse**

On the following grounds:-

The proposal results in the loss of a visually important area of landscaping in the street scene, to the detriment of the visual character and amenity of the

area and contrary to the policies in the Development Plan (CS1 and 9 of the LDFCS and SP1 and 6 of the Local Plan to 2030) and NPPF which seek to secure high quality design and a good standard of amenity for residents.

**(B) To take Enforcement action to secure the removal of the fence and return the area of land to amenity status.**

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<b>Application Number</b>	17/00468/AS		
<b>Location</b>	Purlands Paddocks, Pluckley Road, Charing, Ashford, Kent, TN27 0AG		
<b>Grid Reference</b>	594915.7/149044.4		
<b>Parish Council</b>	Charing		
<b>Ward</b>	Charing		
<b>Application Description</b>	Construction of one five bedroom dwelling		
<b>Applicant</b>	Mrs S O'Sullivan c/o Agent		
<b>Agent</b>	JPD Architecture Ltd, Tower Farmhouse, Faversham Road, Boughton Aluph, Ashford TN25 4HT		
<b>Site Area</b>	0.09 hectares		
(a) 12 / 3R	(b) R	(c) PO (Drainage) X	
<u>Re-consultation</u>			
(a) 14 / 2R	(b) R	(c) -	

The Senior Planning Officer drew Members' attention to the Update Report and the updates contained therein.

**Resolved:**

**Permit**

on the following grounds:

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

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

2. No development shall commence until details of drainage works, designed in accordance with the principles of sustainable urban drainage, have been 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 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.

3. No development shall commence until protective fencing has been installed to safeguard the root areas of the hedges and trees in accordance with drawing number JPD/020317/02 rev C, to protect their root areas from construction damage. It should be boarded out at ground level in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction." No level changes, service routings, materials storage, site traffic, building operations, storage, excavations, or other works shall take place within these protected tree root areas. The tree protection measures and arboricultural method statement specified on the approved plan shall be complied with and maintained for the course of the proposed works.

**Reason:** To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees.

4. Prior to the first occupation of the development hereby approved full details of boundary treatments, including:

a) elevations of the boundary fencing along the access road including native hedging in front of this with the species, height and density specified

b) elevations of entrance gates

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

The approved boundary treatment scheme shall be provided in the first planting season following the occupation of the development or the completion of the development, whichever is the sooner and shall be thereafter maintained.

**Reason:** To ensure the provision, establishment and maintenance of an

appropriate landscape scheme in the interests of the visual amenities of the locality.

5. All existing trees, hedges or hedgerows along the site boundaries shall be retained, unless shown on the approved drawings as being removed.

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.

6. Prior to the commencement of development details for the on site disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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

7. Prior to the commencement of development (excluding ground works) written details including source/manufacturer, and/or samples of materials to be used externally including colour and finish weatherboarding shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

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

8. Prior to first occupation the vehicle parking spaces and turning areas shown on the drawing number JPD/020317/02 rev C shall be provided and 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 (as amended) (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 the reserved parking space.

**Reason:** To ensure parking provision is maintained and prevent any obstructive parking.

9. The rooflight on the northern roofslope, serving the en-suite bathroom, as shown on the approved drawing JPD/020317/04 rev C, hereby permitted shall be glazed with obscured glass which shall be fitted with an opening limiter of

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200mm. This shall be maintained as such at all times other than for the purposes of window cleaning or as a means of escape.

**Reason:** To safeguard the amenities of residential neighbouring properties.

10. 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.

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

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

### Note to Applicant

1. Working with the Applicant

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

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
  - The applicant was provided the opportunity to submit amendments to improve the design of the building, show tree protection details and revise window details to maintain neighbour amenity.
  - 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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Queries concerning these Minutes? Please contact Kirsty Morland:  
Telephone: 01233 330499 Email: [kirsty.morland@ashford.gov.uk](mailto:kirsty.morland@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)