

## Planning Committee

Minutes of a Meeting of the Planning Committee held in Committee Rooms 1 and 2, Civic Centre, Tannery Lane, Ashford on the **20th September 2017**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Bradford, Clarkson (ex officio), Clokie, Dehnel, Farrell, Galpin, Heyes, Hicks, A Howard, Krause, Macpherson, Ovenden, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii) Councillor Wedgbury attended as Substitute Member for Councillor Buchanan.

### Apologies:

Cllr. Buchanan

### Also Present:

Cllrs. Bell, Chilton, Mrs Webb.

Joint Development Control Manager; Strategic Applications Team Leader; Director of Development; Principal Transport and Development Planner (Kent Highway Services); Transport and Development Planner (Kent Highway Services); Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 163 Declarations of Interest

Councillor	Interest	Minute No.
Burgess	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Bennett	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Mrs Blanford	Made a Voluntary Announcement that she was a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	165 – 16/01387/AS
Bradford	Declared an Other Significant Interest as one of his best friends was a consultant for the applicant. He would speak as Ward Member	165 – 15/01496/AS

	and leave the room immediately before the debate and vote, and he did so.	
Chilton	Made a Voluntary Announcement that he was a Member of Stanhope Parish Council.	165 – 17/01159/AS
Clarkson	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Clokie	Made a Voluntary Announcement that he was a Member of the Weald of Kent Protection Society.	
Farrell	Made a Voluntary Announcement that he was a Member of Kent County Council.	
Galpin	Declared that he had made a supporting statement for the application at a Cabinet meeting. He would leave the room before the debate and vote, and he did so.	165 – 17/00675/AS
Ovenden	Declared an Other Significant Interest as the applicant was a near neighbour. He would leave the room before the debate and vote, and he did so.	165 – 17/00675/AS

## **164 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 16<sup>th</sup> August 2017 be approved and confirmed as a correct record.**

## **165 Schedule of Applications**

### **Resolved:**

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

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

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

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

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<b>Application Number</b>	15/01496/AS
<b>Location</b>	Land rear of the Kings Head, Woodchurch Road, Shadoxhurst, Kent
<b>Grid Reference</b>	97083/38002
<b>Parish Council</b>	Shadoxhurst
<b>Ward</b>	Weald South
<b>Application Description</b>	Residential development comprising 19 dwellings including 15 x 2 storey dwellings and 4 x 1 bedroom flats with associated infrastructure and services including garaging/provision for parking, open space, landscaping and a sustainable urban drainage system.
<b>Applicant</b>	Pentland Homes, The Estate Office, Etchinghill Golf, Folkestone, Kent, CT18 8FA
<b>Agent</b>	N/A
<b>Site Area</b>	1.46 hectares

The Joint Development Control Manager drew Members' attention to the Update Report and the amendments to Table 1. Additional information was provided at paragraph 64, and there was also an amendment to the recommendation on page 1.70. The NHS had not commented on the application.

In accordance with Procedure Rule 9.3, Ms Batterbee, a local resident, spoke in objection to the application. She had lived in the village for over 30 years and had recently seen the community blossom and a returning sense of pride. Residents were opposed to the decimation of a lovely field by this application. The design deposited a housing estate in the heart of a village and was inappropriate. The access road was in the wrong place and there were too many houses with a cramped layout. There was not enough green space for the village to replace the amenity resource which had been there for generations. There was insufficient parking. Although this design may meet a standard, it was woefully small and would result in cars parked all over the site. 11 out of 17 houses remained unsold at Oak View. They were completed a year ago, and there was clearly no rush to live in Shadoxhurst. With 12 more houses due to be built nearby, Ms Batterbee questioned the need for another 19 houses. The community had not been involved in discussions and everything appeared to be one-sided. The application did not meet Policy TRS1, which had been given added weight through the May 2017 Supreme Court judgement. TRS1 referred to infrastructure. The sewerage was at capacity, but this was not included in the documentation. Off-site flooding was still a problem, with raised dwellings now to overcome on-site problems. This site was outside the

built confines of Shadoxhurst Village. The proposal was not of a layout, scale, design and appearance appropriate to the character and density of the surrounding area. This was a housing estate on a green field that was not the ribbon development that characterised Woodchurch Road. It displaced active leisure use as there was a long history of established community use and the site was currently used for dog-walking. The two Public Rights of Way were well used and connected the old and new parts of the village. The development would result in the loss of public open space and the visual gap which was important to Shadoxhurst. The site had long been the setting of the Grade II listed pub and gave breathing space to the centre and heart of the village. This was the last green space and corridor. Residents could not understand the desire to have so many houses without proper regard to the lovely village, its heritage, community, loss of amenity and setting. Ms Batterbee asked Members to refuse or defer the application.

In accordance with Procedure Rule 9.3, Mr Mills, the agent, spoke in support of the application. He said the application had been considered over a two year period and consultation had been undertaken widely with various interested parties. The applicant had listened to the feedback from that consultation and changed the details of the application considerably. A significant public open space had been provided at the centre of the site to protect and preserve the openness to the listed public house. There were only four dwellings planned on the frontage green, which would create a sense of openness and a low density aesthetic, and enhance the green area. The green area was used but was not a public open space and was included in the draft allocation, and was therefore considered suitable for development. It was in a sustainable location. These points were well covered in the Planning Officer's report. A second area of open space, further into the site, was the focus of the remaining residential dwellings. These would be traditional in character with cottage-style features, brick tile facing materials and boarding, very much in keeping with Shadoxhurst. The Public Rights of Way were important, and were maintained, continuing from their start point through the site, and exiting from their current position into the countryside. They would be enhanced by providing further connectivity into the site and beyond. They would be signposted, and available for all to use. They would be policed by the properties to ensure that antisocial behaviour did not take place. There were just 19 units on the site, which was an extremely low density per hectare. 7 of those would be Affordable Homes, 5 of which would be rented. This was the full policy requirement and would produce well needed local Affordable Housing. There were just 12 private dwellings, which were small, modest 3 and 4-bed dwellings in big plots with appropriate amenity. Mr Mills disputed that these properties would be undesirable and remain unsold. The flooding which took place was some time ago, and was the result of a blocked culvert, which had been cleared. There had been no flooding since. Southern Water had adequate capacity, and they had a responsibility to deliver a sewerage outfall from this site. The applicant had recently submitted an application for a feasibility study to resolve this issue.

In accordance with Procedure Rule 9.3, Mr Ledger, on behalf of Shadoxhurst Parish Council, spoke in objection to the application. When an application for 15 houses on a field in Woodchurch Road was refused in 2016, the current application for the pub field was quietly and conveniently frozen. A year later, Shadoxhurst's penultimate

green space was granted permission for development. Since then the Supreme Court judgement on the NPPF in May 2017 had provided some protection. Consultation with the village had been miniscule and only given when requested. There had been no community consultation by the developer. There were many objections and the Parish Council had submitted valid technical reasons for refusal. This was a proposed policy site, not a windfall site. A further objection had been submitted by the Parish Council last month to the Local Plan policy site S36, which was this self-same field, and the Parish Council strongly believed that their objections must be tested in the public inquiry arena, along with all the other policy sites in the Draft Local Plan. A premature decision to grant at this meeting would be ultravires and an abuse of due legal process, removing the Parish Council's democratic rights to debate this site in public. Granting this application would also question seriously the validity of the whole Local Plan process. Some preparation work had already begun on the site. Building Control files had been opened, which pre-empted the Committee's decision and was making a presumption. The Parish Council asked the Committee to refuse this application so that the importance of the heritage, community asset and the irreplaceable harm that this development would cause must go to the public inquiry. Harm to Shadoxhurst far exceeded any benefits, as had been shown in the Parish Council's documents. This was not reflected fairly in the Officer's report. The Parish Council had tabled reasons for refusal, but unfortunately they had missed the deadline for circulation to Members. The Parish Council would support the Borough Council in defending any appeal against a decision to refuse. The Parish Council cared passionately about retaining this field as a village asset. Mr Ledger suggested that the decision could be deferred so that the layout and design could be scrutinised by an independent Kent Design Panel. 19 dwellings for this piece of land were too many. A smaller number could result in a fully considered, practical and better-sized village green which would enhance the setting of the heart of the village and create a space worthy of renewed village spirit and pride. Mr Ledger challenged the Ward Members to stand with the Parish in defending this community asset as part of the ongoing Shadoxhurst renaissance. This was Shadoxhurst's last green space at stake and any development for this site should be a long way off. Mr Ledger asked Members to refuse this application, or at least defer it.

**Resolved:**

- 1. (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
  - a. The provision of affordable housing,**
  - b. Contributions towards children's and young people's play space, outdoor sports, strategic parks, primary schools, secondary schools libraries and upgrading of public footpath AW327**
  - c. The provision and maintenance of the informal/natural green space**

- d. The provision and maintenance of the visibility splays
- e. Monitoring fee
- as detailed in Table 1; and
2. The receipt of amended plans showing an additional parking space for plot 18 in terms agreeable to the Strategic Sites and Design Manager or the Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as they see fit.

**Table 1**

<b>Planning Obligations</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<p><b><u>Affordable Housing</u></b> Provide not less than 35% of the units as affordable housing, comprising 5 units affordable rent units and 2 units of shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.</p>	<p>5 affordable rent units 2 shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>
2.	<p><b><u>Children's and Young People's Play</u></b> Contribution towards the provision of Community</p>	<p>£649 per dwelling for capital costs</p>	<p>Before completion of 75% of</p>

<b>Planning Obligations</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p>Exercise Equipment at the Recreation Ground, Hornash Lane</p> <p>Renewal of the children's play equipment at the recreation ground .</p> <p>Picket fencing around the children's play equipment.</p>	£663 per dwelling for maintenance	the dwellings
3.	<p><b><u>Informal/Natural Space</u></b></p> <p>2ha per 1,000 population</p> <p>Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	On the basis of 19 dwellings, a minimum 0.09 ha of space to be provided on site	Scheme to be approved by the Council prior to commencement to be fully implemented prior to the first occupation of 50% of the Dwellings.
4.	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards the drainage project for the recreation ground, Hornash Lane.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling</p>	Before completion of 75% of the dwellings

<b>Planning Obligations</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p>Reconfiguration of the pitches, and replacement to the changing rooms.</p> <p>Provision of disabled facilities at the recreation ground.</p> <p>Installation of information boards detailing routes of Public Rights of Way and detailing local wildlife.</p>	for maintenance	
5.	<p><b><u>Strategic Parks</u></b> Contribution towards an aeration system at Conningbrook Lakes Country Park.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Before completion of 75% of the dwellings
6.	<p><b><u>Primary Schools</u></b> Extension at the John Wesley Primary School</p>	£3,324 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>
7.	<p><b><u>Secondary Schools</u></b> Extension to Homewood School (Modulars)</p>	£2359.80 per dwelling	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p> <p>To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)</p>



<b>Planning Obligations</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
8.	<b><u>Libraries</u></b> Contribution for additional bookstock at libraries in the Borough	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
9.	<b><u>Upgrade public footpath AW327</u></b> The condition of public footpath AW327 south of the proposed site has deteriorated and the surface connecting to Church Lane needs upgrading.  given the proposal is likely to generate a significant increase in use of the footpath I request a contribution of £5000 be provided through Section 106 agreement to enable the council to upgrade the surface connecting to Church Lane.	£5000	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
10.	<b><u>Visibility Splays</u></b> Provision of visibility splays at the access to the development as shown on drawing no. 1104-SK1 Revision B and the retention and maintenance of the visibility splay thereafter with no obstructions over 0.9 metres above carriageway level within the visibility splays.		Prior to the first occupation of the dwellings.
11.	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
Notices will have to be served on the Council at the time of the various trigger points			

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

**(B) Permit**

Subject to the following conditions and notes:

**Implementation**

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.

**Approved Plans**

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

**Architecture**

3. No development above foundation level shall be carried out on the land until samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development (including details and samples of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external materials.

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

4. Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) Details and location of rainwater goods;

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- b) Details of any flues, grilles and vents to be installed including location dimensions, colour and material;
  - c) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;
  - d) Details and sections through eaves, porches/entrance canopies, chimneys; and
  - e) Details of all windows including recess depth of glazing

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

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

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

### **Lighting**

- 6. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area and local residents from light pollution.

### **Levels**

- 7. The finished floor levels for living accommodation shall be set no lower than 36.60m AOD.

**Reason:** To reduce the risk of internal flooding from surface water during a flooding event.

### **Highways & Construction**

- 8. No site clearance, preparation or construction works shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

**Reason:** To protect the amenity of local residents.

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management and Transport Plan shall include , but not be limited to the following:
- a) Routing of construction and delivery vehicles to / from site.
  - b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
  - c) Details of areas for the storage of plant and materials;
  - d) Details of the form and location of any proposed temporary works compounds; and
  - e) a programme of works (including details of the timing of deliveries, measures for traffic management/signage);
  - f) details of any temporary fencing/hoardings to be provided behind any visibility splays;
  - g) details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
  - h) measures to control the emissions of dust and dirt during construction; and
  - i) Confirmation that a banksman will be provided in the event that it is necessary for HGVs to reverse onto the highway

The approved Management and Transport Plan shall be adhered to throughout the duration of the demolition and construction period.

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in the interest of the amenity of local residents.

10. The vehicle parking spaces, and turning areas shall be provided in accordance with details approved on drawing number 21863E REV H before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the vehicle parking spaces and turning areas shall not be used for any purpose other than as vehicle parking spaces and turning and manoeuvring of vehicles.

**Reason:** To retain vehicle parking spaces and turning areas in the interest of highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or enacting that Order, the garages and carbarns shall be provided in accordance with details approved on drawing number

21863E REV H before any dwelling is occupied, and shall thereafter be retained as such. Thereafter the garages and carbarns shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further planning permission from the Local Planning Authority.

**Reason:** To ensure adequate provision for vehicle parking in the interest of highway safety, and in the interest of visual amenity.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or enacting that Order, any car barns provided in accordance with condition 11 shall not be further altered through the addition of further doors or any other structure that would preclude their use for the parking of vehicles without the prior permission of the Local Planning Authority in writing.

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

13. No development shall take place above foundation level until details of secure, covered bicycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed before any dwelling is occupied and shall thereafter be retained and maintained.

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

14. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling

- a) Footways, with the exception of the wearing course
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).

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

### **Archaeology**

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

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

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

### **Hard and Soft Landscaping/Trees**

16. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Pre-development Tree Survey and Report dated 20 August 2015; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
  - b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - c. All retained trees 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). Such tree protection measures shall remain throughout the period of demolition and construction.
  - d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - f. 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;

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- g. 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.
  - h. 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:** In order to protect and enhance the appearance and character of the site and locality.

- 17. The access/driveway/parking fronting plots 11-13 shall be constructed to a no dig design following the recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) and APN 12 – Through the trees to Development (Arboricultural Advisory and Information Service).

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

**Reason:** To prevent damage to the roots of Oak Tree T24 identified as a category A tree in the Pre-development Tree Survey and Report dated 20 August 2015 in the interest of visual amenity.

- 18. 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 completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

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

- 19. 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 any development above foundation level. Thereafter, the approved

landscaping/tree planting scheme shall be carried out fully prior to the first occupation of any part of the approved 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 protect and enhance the amenity of the area.

20. The details of soft landscape works required in condition 19 immediately above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

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

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

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

22. All new trees planted shall be protected against stock and rabbits when planted and such protection shall be retained and maintained for five years from the date of the first occupation of any part of the approved development.

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

23. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.



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

24. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to 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 and to maximise the scope of their ecological value.

### **Permitted Development**

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

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

### **Ecology**

26. Prior to any works commencing (including vegetation clearance) the reptile mitigation detailed within the Ecological Assessment (6394.EcoAss.vf3); June 2017; Ecology Solutions must be implemented by an experience ecologist. Herras fencing must be erected around the boundary of the reptile receptor site to protect it from being damaged during the construction works.

**Reason:** To ensure that the proposed development will not have a harmful impact on protected species.

27. An ecological management plan (EMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the EMP shall include the following:
- a) A plan identifying the location(s) of new habitats to be created including the areas identified as providing reptile mitigation and an ecological corridor;
  - b) Description and evaluation of features to be managed.
  - c) Ecological trends and constraints on site that might influence management.
  - d) Aims and objectives of management.
  - e) Appropriate management options for achieving aims and objectives.
  - f) Prescriptions for management actions.
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- h) Details of the body or organization responsible for implementation of the plan and long term funding.
- i) Details of on going monitoring to inform up dates of the management plan.
- j) Dates of when the management plan will be reviewed.

The habitats shall be created prior to the first occupation of the any part of the approved development and managed and maintained in accordance with the approved EMP.

**Reason:** In the interest of protecting and enhancing biodiversity.

### **Drainage**

28. Prior to the commencement of the development details of the measures which will be undertaken to protect the public foul sewers shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water). The methods for protection shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

29. Prior to the commencement of the development a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained as such.

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

30. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the proposals within the Engineering Statements by Considine, Report no. 1104/7 (dated 16th June 2017) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with approved details before the first occupation of any dwelling hereby approved and shall be maintained thereafter.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying

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calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

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

**Reason:** To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

### **Broadband**

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

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

### **Sustainability**

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

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

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

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

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

### **Contamination**

35. If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2.

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

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

### **Compliance & Build Quality**

36. 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.

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## 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. 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 the scheme/ address issues.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
  4. The applicant's attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Councils website at <http://planning.ashford.gov.uk/>.
  5. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any

watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require KCC's formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact [flood@kent.gov.uk](mailto:flood@kent.gov.uk) for further information.

6. The applicant is advised that no development should take place over the Public Rights of Way within the application site until the confirmation of its diversion or extinguishment and certification of the new route has been provided by the County Council. Obstruction of PROW by the developer before the confirmation and certification of an Order for the diversion or extinguishment of PROW will in normal circumstances result in the County Council using the powers available to it under the Highways Act 1980 to bring a prosecution.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a

recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

<b>Application Number</b>	16/1722/AS		
<b>Location</b>	Land between Hinxhill Road and Hythe Road, Willesborough, Kent		
<b>Grid Reference</b>	04251/41740		
<b>Ward</b>	North Willesborough (Ashford)		
<b>Application Description</b>	Full planning application for a new link road to the rear of the William Harvey Hospital from the A20 and 192 dwellings together with associated open space, play equipment, landscaping, drainage, infrastructure and earthworks		
<b>Applicant</b>	Bellway Homes, Thames Gateway, The Observatory, 1st Floor, Osprey House, Crayfields Business Park Orpington, Kent. BR5 3QJ		
<b>Agent</b>	Barton Willmore, The Observatory, Osprey House Southfleet Road, Ebsfleet, Dartford, Kent. DA10 0DF		
<b>Site Area</b>	9.78 hectares		
(a) 204/12R 2X	(b) Wye R,	(c)	KHS R, HE X, HPCS X, KCC (DCU) X, SSOT R, EA X, KCC (PROW) X SE R, KFA X, EHM (EP) X, ES (contacts) X, HE X, HM X, KWT X, NE X, PCT X, PO (drainage) R, , SW X, KCC (Flooding) X, KCC (Heritage) X, AONB X, EH X
<u>Amends</u>	<u>Amends</u>		<u>Amends</u>
204/2R	Wye R,		KHS R, SSOT R, ES (Protection) R, EH X, NE X, KCC (Ecology) X, KCC (Flooding) X, HM X, POL X

The Strategic Applications Team Leader drew Members' attention to the Update Report. There were further consultation responses to the amended plans, an update on the open space and additional Heads of Terms. There were also changes to Recommendations (A) and (B), two typos and some standard text to be added to Page 2.69 following Head of Term 14.

In accordance with Procedure Rule 9.3, Mr Cue, a local resident, spoke in objection to the application. He was from an old Ashford Family, and had worked for Geerings of Ashford for 42 years. He had lived most of his life at Walnut Tree Cottage, which was a neighbouring property to the site. He had always been fond of the town and had seen a lot of changes over the years. He was very sad to see the lovely countryside around the town being gradually eroded. Mr Cue had written many letters regarding the proposed development of the field near his house, stating his objections. The countryside was unspoiled at present on this side of the A20 and he wished the countryside to be retained for farming and for the benefit of the community in future. However, it was acknowledged that the Council had to build more houses to meet the Government's targets. Mr Cue asked the Committee that, if planning consent was granted, the Council take into consideration the nearness of the development to his house, due to the fact that there would be considerable noise and vibration. As a pensioner, he also requested some assistance in providing a fence or wall to separate his house from the new development. Mr Cue's main objection was that the proposed road onto the A20 was far too close to the Tesco roundabout. The entrance was opposite Summerhill and opposite Tesco's supply entrance, which should be taken into consideration. Mr Cue had always maintained that the road should link into the new J10a and should be postponed until J10a was built. The number of houses was too many and the new road would not cope with the traffic that the proposed housing would generate, especially on reaching the A20 and the Tesco roundabout, even if traffic lights and calming measures were provided. The infrastructure of the area would not be able to cope, with only one doctors' surgery at Willesborough and one junior/infants' school. There was also the question of water and sewerage for all these dwellings, and permission had already been given for developments on both sides of the main road.

In accordance with Procedure Rule 9.3, Mr Goodban, the agent, spoke in support of the application. The applicant had consulted with local residents at a public exhibition, presented to Members of the Planning Committee on two occasions, undertaken a South-East Design Panel Review, had extensive pre-application discussions and agreed the principle of development, access and an upper number of units at an uncontested appeal in July. Therefore, extensive dialogue had been undertaken with the community, stakeholders, officers and Councillors. In terms of the design, the scheme had been considered carefully and adopted an architectural approach in keeping with local building traditions. The design concept was landscape-led with significant buffers incorporated throughout. The proposal was low density, consisting of two-storey detached and semi-detached dwellings and a small block of two-storey flats, including Affordable family houses. The scheme had two large areas of open space, one of which contained recreational facilities, including an informal football pitch and equipped play space. The other extended Lacton Green to create a natural landscape visual link. The scheme would deliver a



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new link road allowing future flexibility and improved connectivity to the hospital. The increase in traffic had been assessed and the access arrangements had been tested and approved at appeal. This included road closures, which was dealt with in policy and at the appeal. In terms of parking, a CPZ was proposed. Local residents claimed the site was dense, with too many houses. This was a development of 19 dwellings per hectare, which was low and in accordance with policy. The applicant supported the contents of the Officer's report. They were committed to delivering a scheme of high quality, with a coherent vision for the site. Mr Goodban asked Members to approve this application.

**Resolved:**

**(A) Subject to the receipt of further amended plans resolving the matters listed below to the satisfaction of the Head of Development Strategic Sites and Design or the Development Control Managers:-**

**(i) resolution of the outstanding highway design issues raised by Kent Highways and Transportation in August 2017**

**(ii) satisfactory resolution of the detailed layout for the informal kick around and play area (including the gradient thereof) and the provision of 1.15 hectares of useable public open space that is not impaired by the applicant's surface water drainage scheme**

**(iii) resolution of the matters raised with the applicant concerning the design approach to some car barns in the layout**

**(iv) sundry minor layout improvements including adjustment to unallocated parking space locations, highway materials and design as well as the detailing of pedestrian crossing points (including on the main avenue through the site), the approach to hard landscaping and street furniture in the area of Hinxhill Lane to be closed to through vehicular traffic, the precise alignment of footways leading to unallocated parking, minor architectural changes to certain house types (including roof form, position of windows and facing materials), the hard and soft landscaping arrangements to the northern and southern entrances into the site from the existing highway network and enhanced soft landscaping or screening to sensitive boundaries with neighbouring properties, and the provision of boundary walls to all properties located around the green space on the far eastern corner near the substation compound and,**

**(B) Subject to the applicant first entering into a Section 106 agreement/undertaking in respect of planning obligations related to the matters detailed in Table 1, in terms agreeable to the Head of Development Strategic Sites and Design or the Development Control**

**Managers in consultation with the Corporate Director (Law & Governance), with delegated authority to either the Head of Development Strategic Sites and Design or the Development Control Managers to add or delete planning obligations which are required to secure matters mentioned in the report, or approve minor changes to the planning obligations, and add or delete planning conditions which are required to secure matters mentioned in the report, or approve minor changes to planning conditions, as they see fit.**

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	Adult Social Care  Contribution towards the Age UK community resource day centre for the disabled at Farrow Court, Ashford	£47.06 per dwelling	Upon occupation of 75% of the dwellings
2.	Provide not less than 20% of the units as affordable housing, comprising 60% shared ownership and 40% affordable rented units. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's	For a 20% on 192 unit scheme(= 39 units rounded up) we would expect there to be 60% shared ownership and 40% affordable rented units, property types should be as follows 25 -30% 1 bed , 35-40% 2 bed , 25-30% 3 bed 5-10% 4 bed	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings

	nominations agreement		
3.	<p>Allotments Up to £30,000.00 towards infrastructure improvements at Gas House Field</p> <p>Allotments and up to £19,536.00 towards infrastructure improvements at Henwood Allotments (based on 192 dwellings) for infrastructure improvements at both sites including improving fencing and gates improving water and electricity supplies to each site and the provision of outdoor furniture at both sites. Up to £12,672.00 (based on 192 dwellings) for maintenance of improvements at either site.</p>	<p>£258 per dwelling for capital costs £66 per dwelling for future maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
4.	<p>Cemeteries Contribution of up to £54,528.00 (based on 192 dwellings) to support the development of a new cemetery within the borough. With a commuted sum of up to £33,792.00 (based on 192 dwellings)</p>	<p>£284 per dwelling for capital cost £176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
5.	<p>Community Learning Contribution towards</p>	<p>£34.45 per dwelling</p>	<p>Upon occupation of 75% of the dwellings</p>

	additional equipment, namely IT dongles, mobile projector and tablets at Ashford Adult Education Centre, Ashford Gateway, Ashford		
6.	Controlled parking zone Contribution towards the making and implementation of a traffic regulation order for the site	£20,000	On first occupation of the development
7.	Libraries contribution towards the reconfiguration of part of the Ashford Gateway to increase Library capacity	£208.93 per dwelling	Upon occupation of 75% of the dwellings
8.	Outdoor Sports Pitches Contribution towards a new outdoors activity zone and associated outdoor furniture at the Julie Rose Stadium Ashford and maintenance thereof	£1,589 per dwelling for capital costs £326 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
9.	Primary Schools Contribution towards the provision/construction of the new primary school at North Willesborough/ Kennington, Ashford	£ 1,134 per flat £ 4,535 per house £0 for any 1-bed dwelling with less than 56 m2 gross	Upon occupation of 75% of the dwellings
10.	Secondary Schools Contribution towards	£589.95 per flat	Upon occupation of 75% of the dwellings

	the Phase 1 Norton Knatchbull School expansion	£2,359.80 per house £0 for any 1-bed dwelling with less than 56 m2 gross internal area	
11.	Junction 10A Contribution towards construction of junction 10A of the M20 To be paid through an agreement with Highways England under section 278 of the Highways Act 1980 Based on a total of 207 units, a contribution of 2.07 development units is required	£669, 527.04 (for 192 dwellings)  £721,833.84  (for 207 dwellings)	Section 278 agreement to be completed before the grant of planning permission. Payment of the contribution as per the section 278 agreement
12.	Strategic Parks Contribution towards capital works for outdoor storage solutions for sporting equipment, toilet and wash-down facilities and provision of outdoor furniture such as improved fencing and gates at Conningbrook Lakes Country to enable more use of Conningbrook Lakes	£146 per dwelling for capital costs.  £47 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
13.	Youth Services  Contribution towards conversion works of a garage at Ashford	£27.91 per dwelling	Upon occupation of 75% of the dwellings

	North Youth Centre and additional equipment at that location to accommodate additional attendees and increase capacity of facility		
14.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years
15.	<p>Children's and Young People's Play Space</p> <p>Equipped Public Open Space and Play Facilities</p> <p>Size of space:  (a) children's playing space: 0.6 – 0.8 ha per 1,000 population, and  (b) outdoor playing space for youth and adult use: 1.6 – 1.8 ha per 1,000 Population  Play facilities to be provided:  (i) Sites of 100 – 199 dwellings to provide a 'neighbourhood play area';</p>	<p>On basis of 192 dwellings, a minimum of  (a) 0.22 hectares including an open area suitable for a 5 aside pitch to be provided on site. (15m x 25m min)</p> <p>(b) 0.93 hectares</p> <p>On basis of 192 dwellings, a minimum 1.15 ha of space to be provided on site to meet (a) and (b) .</p>	<p>Scheme to be approved by the Council prior to commencement</p> <p>Scheme to be approved by the Council prior to commencement</p> <p>Scheme to be approved by the Council prior to commencement</p>

	<p>Equipped open play space and facilities and children and young persons play space to be used as such and nothing else once provided.</p> <p>Scheme for ongoing management of equipped open play space and facilities and children and young persons play space to include details of management entity.</p> <p>Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the equipped open play space and facilities and children and young persons play space and that the entity is accountable to the owners for the management thereof.</p>	<p>On basis of 192 dwellings, provide 'neighbourhood play area' on site minimum of 35 x22m</p> <p>As per saved Local Plan policy LE5</p>	<p>Approved scheme for provision of Children's and Young People's Play Space and Equipped Public Open Space and Play Facilities to be fully implemented prior to the first occupation of 50% of the Dwellings. Ongoing planning obligation from provision of facilities.</p> <p>Ongoing obligation Scheme to be submitted to and approved by Council prior to the Commencement of the development. Management entity to be created using constitutional documentation approved by the Council prior to the occupation of the first dwelling.</p> <p>Land on which equipped open play space and facilities and children and young persons play space located to transferred to management entity by the occupation of 50% of the Dwellings.</p>
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	Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment		
16.	<p>Woodland and hedgerow</p> <p>A woodland buffer along the north east boundary from Hinxhill Road to Breeches Wood</p> <p>A hedgerow along the south east boundary from Breeches Wood to Highmead House</p> <p>A scheme for the on going maintenance and management of both</p>	<p>At least 10 m in depth as shown on the approved plans</p> <p>As shown on the approved plans</p>	Scheme to provided prior to occupation of 50 % of the dwellings

Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the [council web site](#) in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.

If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.

**(C) 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.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of the decision notice.

**Reason:** To ensure the development is carried out in accordance with the approved plans

Materials & Visual amenity

3. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the above ground works and the development shall be carried out using the approved external materials.

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

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

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

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

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

Highways

6. No development shall take place, including any works of demolition, until a Construction Method Statement (the CMS) has been submitted to, and approved in writing by the Local Planning Authority. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials including details of site access point(s) for construction and temporary traffic management/ signage;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) delivery and construction working hours.
- vii) details of site access point(s) for construction
- viii) temporary traffic management/signage.

The approved CMS shall be adhered to throughout the construction period for the development.

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

7. The area shown on the drawing number 2747 -300 H as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

8. Details of the bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority prior to construction of above ground works. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

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9. The following works between that dwelling and the adopted highway shall be completed as follows in accordance with the details approved prior to first occupation of the dwelling:
- (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
- Reason:** In the interests of highway safety.
10. No dwelling hereby approved shall be occupied until:
- (a) The Local Planning Authority in consultation with the local highway authority has approved in writing a full scheme of works for the closure of Hinxhill Road to vehicular traffic that will be provided immediately upon the opening of the link road running through the development site.
  - (b) the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority;
- unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.
- Reason:** In the interests of Highways Safety and in accordance with policy U14 of adopted urban sites and infrastructure DPD
11. No dwelling hereby approved shall be occupied until the traffic signalled junction on the A20 (Hythe Road) including the eastern link up to the application site boundary with the access to the land to the southeast (the site of Highmead House) has been provided in accordance with the approved plans TBC
- Reason:** In the interests of highway safety.
12. No dwelling hereby approved shall be occupied until a scheme for the timing and implementation of the proposed junction with Hinxhill Road in accordance with the approved plan TBC has been submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved timetable. .
- Reason:** In the interests of highway safety and policy U14 of the adopted Urban sites and Infrastructure DPD.
13. No dwelling hereby approved shall be occupied unless the relocation of the bus stop on the A20 (Hythe Road) as shown in plan number L571/209 has been completed in accordance with these details

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

14. Details of the proposed development phasing programme and corresponding access layouts (including allowance for any construction vehicles) shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of any development on site and the development shall be carried out in accordance with the approved phasing detail unless otherwise agreed in writing by the Local Planning Authority.

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

15. No dwelling hereby approved shall be occupied until:

a) The Local Planning Authority has approved in writing a full scheme of works for the Re-location of the existing 40mph speed limit on Hythe Road in an eastern direction approximately 100 metres upstream from the westbound stop

and

b). the approved works have been completed in accordance with the Local Planning Authority's written approval and have been certified in writing as complete on behalf of the Local Planning Authority; unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

**Reason:** In the interests of Highways Safety.

Environmental protection

16. No development shall take place until a scheme for protecting the proposed dwellings from noise from the A20 (Hythe Road) has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any affected dwelling is occupied and shall thereafter be retained.

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

17. No development shall be commenced until:

(a) site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) 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 occupation 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:

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) 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 developed.

#### Ecology

18. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall follow the principles set out in Section 6.3 of the Ecological Appraisal dated August 2017 produced by Aspect Ecology reference 1004398 EcoApp JB/AB vf6. The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

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

19. No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, unless a detailed badger mitigation scheme has been submitted to the Local Planning Authority for approval. This is to include the results of a recent survey, the location of any work exclusion zones around setts/commuting routes and details of the associated landscaping. All works shall proceed in accordance with the approved scheme of mitigation

**Reason:** In the interest of protecting badgers in line with The Protection of Badgers act 1992

#### Drainage

20. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority and shall be based on the principles of the Flood Risk

Assessment and Drainage Strategy by Odyssey Markides Report No. 16-212-02D dated August 2017.

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

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

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

Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.

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.

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

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

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

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures. The designed system should be modelled against the climate change adjusted 1:100 storm event, appropriate to the lifetime of the development, in accordance with Ashford Borough Council Sustainable Drainage SPD, NPPF Non-statutory technical standards for Sustainable Drainage & KCC drainage and policy statement (dated June 2017).

**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”

21. No development shall take place on site until a foul drainage strategy detailing the proposed means of disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** in the interests of proper foul drainage disposal.

#### Archaeology (KCC)

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

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

#### Landscaping

23. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g.

furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

24. The details of soft landscape works required in condition [ 23 ] 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.

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

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

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

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

#### Crime

27. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of



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Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority.

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

Monitoring

28. The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

Development restrictions

29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

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

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the car barns shall be provided in accordance with the detailing shown on the approved plans and shall not be further altered through the addition of further alterations/ doors without the prior permission of the Local Planning Authority in writing.

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

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be constructed in the following elevation(s) of the buildings:

Plot 7 south side

Plot 17 north elevation

Plot 54 north elevation

Plot 59 North side

Plot 79 South side

Plot 107 North side

Plot 113 west elevation

Plot 123 west elevation

Plot 143 east elevation

Plot 144 east elevation.

Plot 169 west elevation

Plot 170 west elevation

Plot 172 east elevation

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

Refuse

32. 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 occupancy of dwellings 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, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

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

Sustainable design and construction

33. Each dwelling hereby approved shall be constructed and fitted out so that:

a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State;

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

**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.

### 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. Working with the applicant

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

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

In this instance:

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

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

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<b>Application Number</b>	16/01387/AS
<b>Location</b>	Oakover Nurseries, Maidstone Road, Westwell, Ashford, Kent, TN26 1AR
<b>Grid Reference</b>	96829/46913
<b>Parish Council</b>	Westwell
<b>Ward</b>	Downs West
<b>Application Description</b>	Change of use to B8 (storage and distribution) and erection of a warehouse with car parking, hardstanding, landscaping and lighting
<b>Applicant</b>	Mr Sykes of Vatre Terracotta Limited, Dencora Way, Leacon Road, Ashford, Kent, TN23 4FH
<b>Agent</b>	Mrs Locking of NTR Planning, Clareville House, 26-27 Oxendon Street, London, SW1Y 4EL
<b>Site Area</b>	2.92ha

(a) 15/1R	(b) Hothfield - R Westwell - R	(c) KCCD - + EA - X IDB - + Drainage - X CPRE - R ND AONB - R EH (C) - + KCC Eco - + KH&T - X NR - X HS1 - +
15/R		EH (C) - X

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The Joint Development Control Manager drew Members' attention to the Update Report. There were amendments to Para. 9 and Figs. 2 and 3, as well as a further representation from a neighbour.

In accordance with Procedure Rule 9.3, Mr Sykes, the applicant, spoke in support of the application. He said this site was important for the company and he had liaised extensively with the Planning Officer throughout the process in order to address the technical issues, including objections. Vatre was a long-established company in Ashford which had grown substantially in the last few years, with the business doubling in size. Initially that growth could be accommodated on the current site, but the company had now outgrown the facility and had been searching for a new site since 2013. The nature of the company's business was storage of flower-pots outdoors. It had proved extremely difficult to find a suitable site. In 2015 the company had been directed to the Oakover site, and since then they had worked with Oakover as it provided a perfect location for the business and also had the advantage of removing the need for some HGV movements within the town. The site would allow the company to build a first-rate facility and to continue to grow the business. The Royal Horticultural Society and Laura Ashley had also recently become associated with the business, which was one of the factors leading to the company's growth. The new site would allow for a proper showroom for the first time. The Royal British Legion had also recently licensed the business. A large amount of standing area was required for storage, but the aspiration was also to provide a facility which the company and the Borough could be proud of.

In accordance with Procedure Rule 9.3, Mr Bainbridge, on behalf of Westwell Parish Council, spoke in objection to the application. The Parish Council was not against business in the Parish, but it was a rural area and this was ribbon development, with a change of use from agricultural to B8 industrial development. The Parish Council considered this would damage the peacefulness of the Banyan Retreat next door, which was a small spiritual healing centre in the countryside. Vatre had been offered the Oakover site to expand their pots distribution business and it was important to retain this employment in the Borough. However, the Council should acknowledge that this was not an ideal site and, if approved, it should not be a precedent for further ribbon development. As an exception site, the development should take full account of the rural setting and the adjacent AONB. The AONB Unit had asked that the material used on both the roof and walls of the warehouse be dark and non-reflective to minimise the visibility from the Downs. There were several other matters which the Parish Council considered should be planning conditions. The Borough had a Dark Skies Policy and this was an unlit rural area, and there should be no lighting at night, outside the 7am to 7pm working hours. The acoustic fencing now proposed was welcomed, but height and appearance should be subject to a planning condition. Forklift trucks should be noise-damped and have beepers off to avoid disturbing the healing and meditation taking place next door. The height of the open storage pot stacks at 5m was too high, close to the Retreat, and the Parish Council considered the stacks should be no higher than the acoustic fence. This was an elevated site. The height and depth of the tree screen on top of the motorway embankment on the northern boundary was critical to mitigating harm to the AONB and maintenance of this height and depth should be a planning condition. It was recognised that the southern boundary was a water course. Flooding out into the

road was a problem and there should be a condition at least not to make the present situation worse, and to improve it if possible. Lastly, as this was a B8 application, the draft HGV parking policy, TRA9, should apply. Four HGV spaces were proposed on the site but there should be a condition that all vehicle waiting and early arrival should be accommodated, either within the site, or at nominated lorry parks. The area would be a night-time 'No HGV Parking' trial zone from early November 2017. Westwell Parish Council asked the Committee to give these points their full attention. If the Council wished to approve the application, the conditions, as requested, should be present to give parameters to the site, given its sensitive rural location.

**Resolved:**

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

a. carbon offsetting; and,

b. monitoring fee

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

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<b><u>Carbon off-setting</u></b> Contribution for funding carbon savings based on the residual carbon emissions of the dwelling or building set out in the approved energy performance certificate and quantified over 10 years.	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD	Payable on the first use of the development
2.	<b><u>Monitoring Fee</u></b> Contribution towards the	£1000	Payment upon

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

**and**

**(B) Subject to the receipt of amended plans showing additional staff parking to the front of the site which are satisfactory to the Head of Development, Strategic Sites and Design and the Joint Development Control Managers**

**(C) Permit**

subject to the following conditions:

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

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

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

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

3. 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.

4. Written details and samples (including colour) of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the dwellings hereby permitted and the development shall only be carried out using the approved external materials.

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

5. The premises/site shall be used for B8 (storage and distribution) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order.

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

6. No new floor space shall be created inside the warehouse hereby approved without the prior written consent of the local planning authority.

**Reason:** To enable the Local Planning Authority to regulate and control the development of land and to protect the amenity of the locality.

7. The office on approved Warehouse & Office – Ground & First Floor Plans Drawing No. 15.17.010 Rev D shall not be occupied at any time other than for purposes ancillary to the B8 (storage and distribution) use hereby approved.

**Reason:** To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

8. The site shall not be used at any time for the sale or display of goods stored and distributed on site.

**Reason:** To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

9. Industrial processing shall only take place in the building identified on the approved plans.

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

10. No external storage of materials shall take place outside the area specified for that use on approved Block Plan Drawing No. 15.17.003 Rev G and Proposed



Site Plan Drawing No. 15.17.005 Rev C. The height of any storage within that area shall not exceed 5 metres above ground level.

**Reason:** To enable the Local Planning Authority to regulate and control the proposed development in the interests of the amenity of the area.

11. All forklifts operated on site shall be 'low-noise' electric models only and not be fitted with tonal reversing 'bleepers' but rather alternative broadband alert 'bleepers' or where permissible non-auditory safe systems of work, shall be used.

**Reason:** In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

12. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside 07:00-19:00 Mondays to Fridays and 07:00-12:00 Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

13. Prior to the commencement of development, details of the works for the disposal of sewage and foul water shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

14. Prior to the commencement of the development hereby approved, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface and foul water based on the principles set out in the approved Flood Risk Assessment by GTA Civils Ltd Ref: 3540/2.3F dated July 2016 and Drainage Strategy Drawing No. 6240/100 Rev A and in line with the Council's Sustainable Drainage SPD shall be submitted to and approved in writing by the Local Planning Authority.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted system shall include:

- 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;

- a plan indicating the routes flood waters would take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system, or in light of systems failure (Designing for exceedance), including appropriate mitigation measures and emergency response procedures;
- details of the implementation, maintenance and management of the approved system, including:
  - a timetable for its implementation; and,
  - a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The approved system shall thereafter be carried out in accordance with the approved details and timetable and shall be maintained in accordance with the approved 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 pursuant to Core Strategy Policy CS20 Sustainable Drainage.

15. Visibility splays of 200m in the southerly direction and 160m in the northerly direction, within which there shall be no obstruction in excess of 0.9 metres in height above the carriageway edge, shall be provided at the access before the development commences and the splays shall be so maintained at all times.

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

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

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

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17. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

18. The vehicle parking/turning and loading/unloading areas as shown on approved Block Plan Drawing No. 15.17.003 Rev G, Proposed Site Plan Drawing No. 15.17.005 Rev C, Proposed Good Handling Plan Drawing No. 15.17.006 Rev B and Loading ramp and stage details Drawing No. 15.17.020 shall be provided prior to the development to which they relate being occupied and the facilities shall be retained for ancillary parking and loading/unloading use and access thereto shall not be precluded.

**Reason:** To ensure the provision and retention of adequate off-street parking/turning and loading/unloading facilities in the interests of highway safety.

19. The development shall be carried out in accordance with the recommendations in the approved Preliminary Ecological Appraisal by KB Ecology Ref No 2015/08/04 dated 08<sup>th</sup> September 2015 and any license issued by Natural England unless otherwise agreed in writing by the Local Planning Authority and Natural England and the approved replacement habitats shall remain in situ.

**Reason:** To protect existing populations of protected species on the site.

20. Prior to the commencement of the development hereby approved, details of a scheme for the protection and enhancement of biodiversity on the site, including the provision of bat and bird boxes, sparrow terraces and amphibian hibernacula adjacent to the new pond, the use of native species in landscaping and the incorporation of features beneficial to wildlife such as ponds and wildflower planning, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details, with any amendments agreed in writing.

**Reason:** In the interests of enhancing the biodiversity of the site.

21. Prior to the commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- purpose and conservation objectives of the landscaping and ecological design, including the creation of the reptile receptor area;
  - timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - description and evaluation of features to be managed;
  - aims and objectives of management, including the long-term management of the of the reptile receptor area;
  - appropriate management prescriptions for achieving aims and objectives;
  - preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - details of the body(/ies) or organisation(s) responsible for implementation of the LEMP; and,
  - ongoing monitoring and remedial measures.

**Reason:** In the interests of maintaining the biodiversity of the site enhanced as part of the development.

22. The landscaping scheme shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

23. The development shall be carried out in accordance with the details of levels, earth bunds and fencing shown on approved Block Plan Drawing No. 15.17.003 Rev G, Proposed Site Plan Drawing No. 15.17.005 Rev C, Site Section B-B Drawing No. 15.17.004 Rev B, Site Section - A/A Drawing No. 15.17.015 Rev A, Landscape Proposals Drawing No. MHS157/16-G01 and

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Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

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

24. The development shall be carried out in accordance with the hard and soft landscaping shown on approved Landscape Proposals Drawing No. MHS157/16-G01 and Landscape Sections Drawing No. MHS157/16-C61 unless otherwise agreed in writing by the Local Planning Authority.

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

25. No external lighting shown on the submitted plans shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include;-

(i) a layout plan with beam orientation and a schedule of lighting equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).

(ii) the use of time switches and PIR to switch off lighting outside the permitted operating hours set out in condition 12.

(iii) the approach to security lighting/task lighting outside the permitted operating hours set out in condition 12.

The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area/the environment and wildlife/local residents from light pollution.

26. The development shall be carried out in accordance with the recommendations in the Noise Impact Assessment by MRL Acoustics Report No. MRL/100/1026.2v1 dated July 2017 unless otherwise agreed in writing.

**Reason:** In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

27. Prior to the commencement of the development hereby approved, details of an acoustic barrier to be erected along the southern boundary of the site, including details of its ongoing maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be erected in accordance with the approved details before the first use of the site and shall be subsequently permanently retained and maintained in an effective condition.

**Reason:** In the interests of preserving the amenity of the neighbouring Lake House/Banyan Retreat.

28. 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 Pre-development Tree Survey and Report and accompanying Tree Protection Plan and 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.

29. Any existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. Any existing 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

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without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

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

30. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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.

31. The development hereby approved shall be first occupied by the applicant's business Vatre Terracota Limited.

**Reason:** The development has been permitted on the basis of the needs of this particular business and the condition enables the Local Planning Authority to regulate and control the development in the interests of the amenity of the area.

32. The building hereby approved shall be constructed achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall (good) standard comprising the following minimum elements:

- i. 'Excellent' standard in respect of energy credits;
- ii. 'Excellent' standard in respect of water credits; and,
- iii. 'Very Good') standards in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

- a. details of a 'Design Stage' assessment and related certification; and,
- b. details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use

of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment and related certification confirming the BREEAM standard that has been achieved and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM (good) standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

**Reason:** In order to ensure that the energy efficiency through sustainable design and construction is achieved.

#### **Notes to Applicant**

1. It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. The applicant's attention is drawn to the advice and guidance contained in the Environment Agency's letter dated 06 October 2016, KCC Flood and Water Management's letter dated 4 October 2016, Southern Water's letter dated 29/09/16 and the Rover Stour Internal Drainage Board's email dated 04 October 2016.
3. The development is subject to an Obligation under Section 106 of the Town and Country Planning Act 1990, which affects the way in which the property may be used.
4. 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/agent was provided with pre-application advice,
- the applicant/agent responded by submitting amended plans, which were found to be acceptable and permission was granted,
- the applicant/agent was provided the opportunity to submit amendments to the scheme/ address issues,
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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<b>Application Number</b>	17/00258/AS
<b>Location</b>	Land rear of Rose Cottage Farm, North Street, Biddenden, Kent
<b>Grid Reference</b>	84944 / 38947
<b>Parish Council</b>	Biddenden
<b>Ward</b>	Biddenden
<b>Application Description</b>	A Hybrid Application comprising a full application for the erection of 45 dwellings, of which 35% are affordable, access and associated works, and an outline application for the erection of a B1 office building with design, scale and massing as reserved matters.
<b>Applicant</b>	Millwood Designer Homes Limited Bordyke End, East Street, Tonbridge, Kent TN9 1HA
<b>Agent</b>	Peter Court Associates Cleaveland, Chart Road, Chart Sutton ME17 3RB
<b>Site Area</b>	5.15 hectares

The Joint Development Control Manager drew Members' attention to the Update Report. There were updates to Paras. 53 and 62 and an amendment to Table 1. There were also amendments to Conditions 3, 5, 10, 12, 17, 18, 24 and 27.

In accordance with Procedure Rule 9.3, Mr Daniells, the applicant, spoke in support of the application. This application sought to deliver much needed housing for the Borough, including Affordable Housing. The principles of development had been discussed with the Policy team and the application had been the subject of a pre-app and subsequent meetings with Officers, including the Urban Design Officer. The Affordable Housing mix had been discussed with the Housing department and the proposed mix was as required by them. The applicant had also engaged with the Parish Council over the last few years. Biddenden was a rural and historic location, where particular attention should be paid to design, form, density and detail. Mr Daniells believed the scheme complemented the character of the area, the local vernacular and respected the landscape by retaining specimen trees. The scheme had been designed with landscape trees and ecology in mind and also proposed highways improvements, some employment use and, at the request of the Parish Council, included the funding of a multi-purpose exercise trail at the recreation ground. This application accorded with the proposed allocation in the emerging Local Plan. It was acknowledged that the Council needed to find suitable sites to build houses, and this was such a site. It was in a sustainable location. Mr Daniells asked the Committee to approve this application.

The Ward Member attended and spoke in support of the application.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**
- a. The provision of affordable housing and contributions to primary and secondary education, libraries, upgrade of public right of way, multi-purpose trail path**
  - b. Monitoring fee**
- as detailed in table 1, in terms agreeable the Head of Development, Strategic Sites and Design in consultation with the Head of Legal and Democratic Services, with delegated authority to 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>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1	<p><b><u>Affordable Housing</u></b></p> <p><i>Applies to:</i>  <i>(i) developments of 15 dwellings or more</i>  <i>(ii) residential sites of 0.5 ha or more</i></p> <p>Provide not less than 35% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, number of bedrooms and size of bedrooms as specified. The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p>	<p><b>9</b> affordable rent units</p> <p><b>7</b> shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>
2	<p><b><u>Play and Informal Space</u></b></p> <p>Project: Parish Council's Cycle Path / Multi-Function Trail around the Gordon Jones Playing Field</p>	<p>£62,500 for capital costs</p> <p>£6,250 one-off for maintenance</p>	<p>Full payment on commencement of development</p>
3	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p>	<p>£48.02 per dwelling</p> <p>Total =</p>	<p>Half the contribution upon occupation of 25% of the dwellings</p>

	Contribution for additional bookstock at libraries in the borough	£2,160.71	and balance on occupation of 50% of the dwellings
4	<p><b><u>Monitoring Fee</u></b></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1,000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
5	<p><b><u>Primary Schools</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Project: Towards John Mayne CE Primary School Expansion</p>	<p>£831 per flat</p> <p>£3324 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
6	<p><b><u>Secondary Schools</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Project: Phase 1 extension of Norton Knatchbull</p>	<p>£589.95 per flat</p> <p>£2359.80 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m<sup>2</sup> gross internal area</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings

7	<p><b><u>Public Rights of Way</u></b></p> <p>Project: A compacted stone path for a length of 445m x 1.5m wide of public footpath AT10</p>	£10,000	Upon occupation of 75% of the dwellings
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>			

## (B) Permit

Subject to the following conditions and notes:

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

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

2. No development shall commence until the applicant, or their agents or successors in title, have secured and implemented:
  - (a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - (b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

3. Tree T69 shall not be felled, pruned or any other works carried out until the bat survey of this tree has been completed, details of the associated bat mitigation works have been submitted to and approved in writing by the Local Planning Authority and mitigation works have been completed as per the methodology set out in the approved document.

**Reason:** To protect the habitat of protected species.

4. No development shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through the methods detailed in the submitted Flood Risk Assessment by GTA Civils Ltd dated 07.08.2017 ref: 5723.

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

5. No development (including demolition and groundworks) shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or any later revised standard) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan.

Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site

**Reason:** To enable the local planning authority to ensure the retention of trees and hedges on the site in the interests of visual amenity.

6. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan and construction site layout plan have been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include:
  - a) parking for vehicles of site personnel, operatives and visitors;
  - b) loading and unloading of plant and materials including on-site turning for construction vehicles;
  - c) storage of plant and materials;
  - d) routing of construction and delivery vehicles to / from site;
  - e) timing of deliveries;
  - f) temporary traffic management / signage;
  - g) provision of boundary security hoarding behind any visibility zones;

- h) on site wheel washing facilities;
- i) measures to control the emissions of dust and dirt during construction; and
- j) banksman where reversing HGVs onto the highway

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

7. Prior to first occupation, details of the implementation, maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation; and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

**Reason:** 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.

8. Prior to the commencement of development the following details of proposed swales shall be provided and approved in by the Local Planning Authority:
- a) sections, plans and elevations to a large scale (at least 1:50) showing the swales with proposed tree planting/pits including species; and
  - b) external finish, materials and colour of the swales including bridge structures, culvert and pipes.

The development shall be built in accordance with the approved details.

**Reason:** To achieve a satisfactory drainage strategy and ensure the finish would complement the visual amenity of the surrounding area.

9. Prior to the commencement of development (excluding ground works) written details including source/ manufacturer, and/or samples of:
- a) fenestration details;
  - b) bricks, tiles and cladding materials; and
  - c) fascias, soffits and gutters

to be used externally 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.

10. Prior to first occupation, written details and plans of all highway and footway designs:

- a) carriageway and footway materials;
- b) kerbs and line markings; and
- c) street signage for parking.

to be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved details and thereafter maintained.

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

11. Prior to the commencement of development details of measures to minimise or remove the risk of introducing non-native species such as *Crassula helmsii* shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the details approved.

**Reason:** To improve the biodiversity of the site.

12. Prior to the first occupation of the development full details, of hard and soft landscape proposals, including:
- a) an implementation plan for native planting including the species, density and height;
  - b) street trees and root protection system;
  - c) planting specification including the species, density and height or other means of enclosure to boundary adjoining the access road or parking areas for plots 10, 14a, 15a, 26, 33a;
  - d) planting specification including the species, density and height for ground floor bedroom window facing the communal garden in the flatted development (plots 19a-22a);
  - e) protection against stock and rabbits when planted;
  - f) all gates, boundary walls and fences;
  - g) surfacing for refuse/recycling collection points; and
  - h) wildflower mix

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

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to first occupation or in the next planting season of the completion development hereby approved and thereafter maintained.

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

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



13. Prior to first occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions, together with a plan of management compartments
  - f) Details of any necessary management or monitoring for the crossing structures;
  - g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - h) Details of the body or organisation responsible for implementation of the plan;
  - i) Ongoing monitoring and remedial measures.
  - j) legal and funding mechanism(s) by which the long-term implementation of the plan shall be secured by the developer with the management body(ies) responsible for its delivery
  - (k) set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action shall be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure that the receptor site, green spaces and connective structures maintain their ecological interest in the long term.

14. Prior to first occupation, details to demonstrate that there is adequate wastewater treatment facilities to effectively drain the development, in consultation with Southern Water shall be submitted to and approved in writing by the Local Planning Authority. This shall be provided in accordance with the approved details and thereafter maintained.

**Reason:** To ensure that there is satisfactory sewerage capacity.

15. Prior to first occupation, details for the disposal of sewage for plots 41 and 45 shall be submitted to and approved in writing by the Local Planning Authority. This shall be provided in accordance with the approved details.

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

16. Prior to the occupation of the dwellings the avoidance, mitigation, compensation and enhancement measures detailed within sections 12 and 13 of the Ecological Impact Assessment prepared by Lloydbore Ltd dated

03.08.2017 ref: 3397-LLB-ZZ-XX-RP-EC-0001 must be implemented and retained for the life time of the development site.

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

17. Prior to the first use of the access, the visibility splays shown on drawing no. 5723/101 rev B shall be provided and maintained with no obstructions over 0.9 metres above carriageway level within the splays.

**Reason:** In the interests of highway safety nor cause inconvenience to other highway users.

18. Prior to the first occupation of the dwellings hereby permitted, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP). Thereafter, the infrastructure shall be laid out in accordance with the approved details and be available for use on the first occupation of the building.

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

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Schedule 2, Part 1, Classes A and B shall be carried out on the dwellinghouses permitted.

**Reason:** To enable the Local Planning Authority to maintain the size of the gardens to maintain the occupiers living environment and reduce the risk to retained trees from excessive pruning and possible felling.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure and no building as defined by Section 336 of the Town and Country Planning Act 1990 shall be erected forward of the principal elevation and along the front boundary with the road/driveway.

**Reason:** To protect the visual amenities of the locality.

21. Prior to first occupation space shall be laid out within the site in accordance with the approved plan Drawing No 2779-3003E, for vehicles to be parked

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on the spaces and car ports and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be maintained 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 this reserved parking space.

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

22. Prior to first occupation, the bicycle storage facilities as shown on drawing nos: 2779-2027D and 2779-2028D shall be provided and thereafter maintained.

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

23. Prior to first occupation a service plan and street lighting plan, including details of the external luminaires, shall be submitted to and approved in writing by the Local Planning Authority. This shall comply with the guidance in the Bat Conservation Trust's Bats and Lighting in the UK guidance and Dark Skies SPD. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of highway safety and to maintain the habitat of protected species.

24. Prior to first occupation, completion of off-site highway works to include proposed traffic calming scheme on North Street in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Parish Council.

**Reason:** in the interests of highway safety and improvement in infrastructure to improve pedestrian routes.

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

must be prepared and submitted for approval in writing by the Local Planning Authority. The proposal shall be completed in accordance with the approved details.

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

26. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sundays or bank/public holidays.

**Reason:** To protect the amenity of local residents.

27. No meter boxes shall be installed on the front elevation of any of the dwellings hereby permitted, where practicable.

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

28. A 5 metre wide buffer zone alongside the pond in the south west part of the site as shown on drawing number 5723/100 rev E, shall be free from built development including lighting, domestic gardens and formal landscaping and shall thereafter be maintained.

**Reason:** To reduce any impact on protected species and minimise obtrusive light.

29. 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.

30. 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.

Outline application for office building:

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

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

33. Prior to the first occupation of the development full details, of hard and soft landscape proposals, including:
- a) plans and elevations of walls and railings
  - b) final surface finish of all areas of hard standing
  - c) planting specification including the species, density and height

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

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to first occupation or in the next planting season of the completion development hereby approved and thereafter maintained.

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

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

34. Prior to first occupation space shall be laid out within the site in accordance with the approved plan Drawing No 2779-3003E, for vehicles and cycles to

be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be maintained 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/cycle access to the reserved parking space.

**Reason:** In order to not prejudice highway safety nor cause inconvenience to other highway users.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent Order revoking or re-enacting that Order, the office building hereby permitted shall only be for uses falling within Use Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order revoking or re- enacting that Order.

**Reason:** In order to preserve the amenity of the locality and maintain the vitality and viability of Ashford town centre due to the specific retail impact assessment.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development shall be carried out within Classes A and H of Part 7 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

37. There shall be no external storage on the site other than storage of rubbish in lidded containers within the site.

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

### 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. 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,
  - discussions were held with Planning Policy regarding the draft allocation,
  - the applicant amended the layout to create a rural street pattern, additional drainage, landscape, parking and highways information was submitted with the replacement of the community building for an office following the public consultation,
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
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<b>Application Number</b>	17/00950/AS
<b>Location</b>	Land to the rear of 96A, Kingsnorth Road, Ashford, Kent
<b>Grid Reference</b>	00463/41043
<b>Ward</b>	Norman
<b>Application Description</b>	Erection of a new single storey two-bedroom dwelling (resubmission of 16/01186/AS).
<b>Applicant</b>	Ms Bushra, Bushra Consulting Ltd, c/o agent
<b>Agent</b>	Bob Edden, Bob Edden Architect, 11 Somerfield Barn Court, Main Road, Sellindge, Kent, TN25 6JD
<b>Site Area</b>	0.0245 hectares

The Joint Development Control Manager drew Members' attention to the Update Report, and Mr and Mrs Prior's letter of objection, which was attached. There was also a modification of Condition 4.

In accordance with Procedure Rule 9.3, Mr Edden, the agent, spoke in support of the application. This was a simple proposal, which provided a modest home and brought a piece of unkempt land into use. The building was designed to suit the needs of a wide range of people, including those with disabilities and other special requirements. The Officer's report appended the Planning Inspector's decision letter on the previous appealed application. That letter acknowledged that the design of the scheme would not have an adverse effect on the character and appearance of the area, or the amenity of neighbours. In the current application, the Inspector's only concern about ecology and biodiversity had been dealt with by the specialist ecological information provided. The report proposed applying conditions to govern these matters, and these were accepted by the applicant. This application had, therefore, been tested at appeal, with the ecological information resolved. Mr Edden hoped the Committee would endorse the Officer's recommendation and grant consent.

### **Resolved:**

### **Refuse**

The development would be contrary to policies EN12 and EN31 of the Ashford Borough Local Plan 2000, and CS1 and CS9 of the Local Development Framework Core Strategy (2008), and to Government Guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

Due to its siting and scale, the proposed development would result in an overdevelopment of the site that would appear as a cramped form of development in its contextual setting which would be out of character with and harmful to the established pattern of development and the street scene. The development is also likely to set a precedent for inappropriate back land development of rear gardens within the vicinity of the application site at odds with the context of development in the locality.

### **Notes to Applicant**

#### **1. Working with the Applicant**

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

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



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

In this instance

- was provided with pre-application advice,
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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<b>Application Number</b>	17/01014/AS
<b>Location</b>	6 Studio Close, Kennington, Ashford, Kent, TN24 9DH
<b>Grid Reference</b>	01967/44953
<b>Ward</b>	Kennington (Ashford)
<b>Application Description</b>	Erection of two-storey front extension and change to existing roof pitch, loft conversion with rooflights and rear balcony, and garage conversion
<b>Applicant</b>	Mr & Mrs T Mockford, 6 Studio Close, Kennington, Ashford, Kent, TN24 9DH
<b>Agent</b>	Mr T Parrett, Rubicon Building Consultancy Ltd, One Step Beyond, Westfield Lane, Etchinghill, Folkestone, Kent, CT18 8BT
<b>Site Area</b>	0.03ha

**Resolved:**

**(A) Permit**

Subject to the following conditions and note:

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

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

2. The external materials and finishes to be used for the approved development shall be of the same size, colour, tone and texture as the materials used on the respective adjacent parts of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To assimilate the new development with the existing in the interests of the visual amenity of the area.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, 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 the development indicated on the approved plans is achieved in practice.

4. 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).

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

### **Note to Applicant**

1. Working with the Applicant

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

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

- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

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

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<b>Application Number</b>	17/01157/AS
<b>Location</b>	2 Welshmans Cottages, Rye Road, Newenden, Cranbrook, Kent, TN18 5PL
<b>Grid Reference</b>	82995/27630
<b>Parish Council</b>	Newenden
<b>Ward</b>	Rolvenden & Tenterden West
<b>Application Description</b>	Erection of a single storey rear extension
<b>Applicant</b>	Ashford Borough Council Community & Housing Department
<b>Agent</b>	RDA Consulting Architects
<b>Site Area</b>	0.05 ha

**Resolved:**

**Permit**

Subject to the following conditions and note:

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

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

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, 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.

4. 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 submitted amended plans following discussion with officers.

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

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<b>Application Number</b>	17/01159/AS
<b>Location</b>	135 Newenden Close Stanhope Ashford TN23 5TF
<b>Grid Reference</b>	59950/14058
<b>Parish Council</b>	Stanhope
<b>Ward</b>	Stanhope
<b>Application Description</b>	Erection of a single storey rear extension
<b>Applicant</b>	Ashford Borough Council, Civic Centre, Community & Housing Department, Tannery Lane, Ashford, TN23 1PL
<b>Agent</b>	RDA Consulting Architects, Evegata Park Barn, Evegata, Smeeth, Ashford, TN25 6SX
<b>Site Area</b>	185m <sup>2</sup>

The Joint Development Control Manager drew Members' attention to the Update Report and the recommended imposition of conditions.

The Ward Member attended and spoke in support of the application.

**Resolved:**

**Permit**

Subject to the following conditions:

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

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

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

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

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, 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.

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

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

### **Note to Applicant**

1. Working with the Applicant

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

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

In this instance

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

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<b>Application Number</b>	17/00655/AS
<b>Location</b>	Land at Luckley Field, South of 128 Little Chequers, Wye (Site Wye 2)
<b>Grid Reference</b>	05073/46456
<b>Parish Council</b>	Wye with Hinxhill
<b>Ward</b>	Wye
<b>Application Description</b>	Removal of condition 11 on planning permission 14/00195/AS (Erection of 25 dwellings with vehicle access off Little Chequers. Parking, drainage works, structural and on site landscaping) to exclude herptile fencing from the site
<b>Applicant</b>	Harville Farms, Harville Road, Wye TN25 5EU
<b>Agent</b>	The JTS Partnership, 1 <sup>st</sup> Floor 44 St Peters Street, Canterbury CT1 2BG
<b>Site Area</b>	1.33 hectares

**Resolved:**

- (A) Subject to the applicant first entering into a deed of variation of the existing section 106 agreement/undertaking in respect of 14/00195/AS to apply to this permission as set out in Table 1 in terms agreeable to the Head of Development, Strategic Sites and Design in consultation with the Director of Law & Governance, with delegated authority to Head of Development, Strategic Sites and Design to make or approve minor changes to the planning obligations and planning conditions, as she sees fit.**

**Table 1**

	<b>Planning Obligations</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than <b>35%</b> of the units as affordable housing, comprising 60% social rented units and 40% in other forms of affordable provision (or such other proportion as the Council specifies) and to such standards, timings and other particulars as the Council specifies in an affordable housing scheme. The affordable housing shall be managed by a registered provider of social housing approved by the Council.</p>	<p>6 social rented units</p> <p>3 units in other forms of affordable provision</p>	<p>To be agreed in the affordable housing scheme to be approved prior to commencement</p>
2.	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards provision of or improvements to outdoor sports pitches and associated facilities and maintenance thereof</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
3.	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Contribution towards provision of or improvements to informal/natural green space and associated facilities and maintenance thereof</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>



4.	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Contribution towards provision of or improvements to children's and young people's play space and associated facilities on the recreation ground in the village and maintenance thereof.</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
5.	<p><b><u>Allotments</u></b></p> <p>Contribution towards provision of or improvements to allotments and associated facilities and maintenance thereof</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
6.	<p><b><u>Strategic Parks</u></b></p> <p>Contribution towards provision of strategic parks and associated facilities and maintenance thereof</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
7.	<p><b><u>Primary Schools</u></b></p> <p>Contribution towards the <b>extension</b> of a primary school within 2 miles of the site</p>	<p>£590.24 per applicable flat and £2,360.96 per applicable house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
8.	<p><b><u>Secondary Schools</u></b></p> <p>Contribution towards the <b>construction</b> of secondary school places within 3 miles of the site</p>	<p>£1,272.90 per applicable flat and £5,091.60 per applicable house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

9.	<p><b><u>Community learning</u></b></p> <p>Contribution towards the construction and/or equipping of community learning premises within the same settlement or in a reasonably accessible alternative location</p>	£34.45 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
10.	<p><b><u>Adult Social Care</u></b></p> <p>Contribution towards the construction and/or equipping of adult social care services premises within the same settlement or in a reasonably accessible alternative location</p>	£77.58 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
11.	<p><b><u>Youth Services</u></b></p> <p>Contribution towards the construction and/or equipping of youth services premises within the same settlement or in a reasonably accessible alternative location</p>	£26.74 per applicable dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
12.	<p><b><u>Healthcare Provision</u></b></p> <p>Contribution towards the construction and/or equipping of Primary Care premises within the same settlement or in a reasonably accessible alternative location</p> <p>Although the Primary Care Trust requested a contribution towards the revenue costs of their facilities, this is not regarded as necessary.</p>	£19,656	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
13.	<p><b><u>Improvements to PROW</u></b></p>	£3,500	Upon occupation of 50% of the dwellings

14.	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years
<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> (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The <b>costs</b> , expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.			

**(B) Permit**

Subject to the following conditions and notes:

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

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

2. Prior to the erection of any of the dwellings on the site, the following details shall have been submitted to and agreed in writing by the Local Planning Authority:
  - (a) 1:5 and/or 1:10 sectional details through: window reveals; eaves, fascias, soffits and barge boards; ridge, bays, dormer windows, chimney pots and first floor jetties
  - (b) 1:5 and/or 1:10 sectional details through porches, entrance canopies and supporting brackets
  - (c) 1:5 and/or 1:10 details of any architectural features on the buildings including decorative hanging tiles and corbelling

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

**Reason:** To ensure a high quality development and in the interests of visual amenity.

3. No flues, vents, grilles or meter boxes shall be installed on the front elevation of any of the dwellings hereby permitted.

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

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

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

5. Details of the final surface finish of all areas of hard standing as set out on Drawing No. 13/0106-51 Rev N shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The development shall then be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

7. 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.

8. A landscape management plan, including long term design and bio-diversity objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the

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occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall then be carried out as approved.

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

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

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

10. The landscaping scheme, as approved under condition 6 above, along the southern boundary of the site with the adjacent agricultural field shall be undertaken within the first planting season following the commencement of the development. The landscaping shall then be fully protected throughout the duration of the construction of this development in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. 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 the interest of visual amenity.

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

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

12. Prior to the commencement of development herptile exclusion fencing shall be erected around the perimeter of the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority unless an up to date survey, approved by the Local Planning Authority, demonstrates that there

is no evidence of protected species. The fencing shall thereafter be retained as an effective barrier preventing herptiles from entering the site and shall remain in situ until the completion of the development.

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

13. Prior to their erection on site, elevational details of the proposed boundary treatments as shown on Drawing No. 13/0106-51 Rev N shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

14. Before the occupation of the dwelling to which it relates, the boundary treatments as shown on Drawing No. 13/0106-51 Rev N shall have been installed with all communal boundary treatments completed upon occupation of the final dwelling.

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

15. Pedestrian visibility splays 2 m x 2 m, with no obstruction over 0.6 m above the access footway level, shall be provided prior to the first use of the access to which it relates is brought into use. The visibility splays shall be subsequently maintained.

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

16. The area shown on Drawing No. 13/0106-51 Rev N as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

17. The bicycle storage facilities as shown on Drawing No. 13/0106-51 Rev N shall be completed and available for use prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained.

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

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18. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. These details shall include the means by which site staff shall be prevented from parking on nearby residential streets. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

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

19. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

20. 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.

21. All footpaths shown on approved Drawing No. 13/0106-51 Rev N shall be surfaced with materials, the details of which shall be submitted to and approved in writing by the Local Planning Authority. The paths shall be constructed in accordance with the approved details. The footpath linking the site to Little Chequers shall be completed and available for use prior to the first occupation of any of the units. The remaining 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.

22. Before the first occupation of a dwelling, the following works between that dwelling and the adopted highway shall be completed as follows:
- (i) Footways and/or footpaths shall be completed, with the exception of the wearing course; and,
  - (ii) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - (a) highway drainage, including off-site works;
    - (b) junction visibility splays; and,
    - (c) street lighting, street nameplates and highway structures if any.

The final wearing course shall be applied within one year of the occupation of the dwelling unless otherwise agreed by the Local Planning Authority in writing.

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

23. Prior to the first occupation of any of the units hereby permitted the following shall be carried out in accordance with Drawing No. 13/0106-51 Rev N:
- (d) Modification of the junction of Little Chequers and the new access road serving the development;
  - (e) 8 car parking spaces to be provided to serve the existing residents of Little Chequers; and,
  - (f) Pedestrian access to Long Acre.

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

24. Prior to works commencing, details of the form and location of any proposed temporary works compounds shall have been submitted to and approved by the Local Planning Authority in writing and thereafter such compounds shall only be provided in accordance with such approval.

**Reason:** To ensure that the location of any necessary compounds is appropriate in terms of residential amenity and visual amenity.

25. No development shall commence until plans and particulars of a sustainable



drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

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

The submitted system shall be designed to

- (i) avoid any increase in flood risk;
- (ii) avoid any adverse impact on water quality;
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010;
- (iv) promote biodiversity;
- (v) enhance the landscape;
- (vi) improve public amenities;
- (vii) return the water to the natural drainage system as near to the source as possible; and,
- (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

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

If the proposed surface water discharge point is to be the existing public sewer, the applicant must provide written confirmation from Southern Water 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.

26. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason:** To prevent pollution of the water environment.

27. No development shall take place until 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 Little Chequers and Long Acre. The development shall only be carried out in accordance with the approved details.

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

28. 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 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.

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

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

30. 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 under Schedule 2 Part 2 & Class A and Schedule 2 Part 40 & Class A of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that

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Order, no windows, or similar openings shall be constructed in the first floor rear elevation of plots 1 & 2 as shown on Drawing No. 13/0106-51 Rev N 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 properties to the rear.

32. A water-butt shall be provided to all dwelling houses and any single flats prior to their first occupation and 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.

33. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously 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.

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

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

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

35. Before any construction commences on the site, the following shall be submitted and approved in writing by the Local Planning Authority:

- (a) Code of Construction Practice;
- (b) Hours of working for construction;
- (c) The management and location of utility services within the development;
- (d) The provision for centralised telecommunication & television & radio reception and limitations to external aerials within the development; and,

(e) The routing of construction vehicles and provision of appropriate signing.

These matters approved shall then be implemented as approved.

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

36. Prior to the erection of plots 21, 24 & 25, the existing Public Right of Way AE117 shall have been diverted and be available for public use in accordance with any approved diversion order to be granted by KCC and shall thereafter be retained in situ and free from obstruction in perpetuity.

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

37. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

38. Prior to the commencement of development, scaled sections and details of the profile of the attenuation pond both existing and proposed shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details and completed prior to the occupation of any of the units hereby permitted. The works shall thereafter be retained and maintained in accordance with the approved details.

**Reason:** In the interests of amenity and to ensure sufficient capacity is provided to satisfy SUDs requirements

39. Prior to the commencement of development, a service plan and street lighting plan, including details of the luminaires, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

- a) the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State; and,

- b) carbon emissions are reduced by 10% through Low and Zero Carbon Technologies once energy efficiencies have been applied.

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

- a) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LDC technologies installed.
- b) Details of the LDC technologies to be used to achieve the 10% reduction in carbon emissions

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

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

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

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<b>Application Number</b>	17/00675/AS
<b>Location</b>	Carlton Business Park, Carlton Road, Ashford, Kent
<b>Grid Reference</b>	00118/42821
<b>Ward</b>	Godinton
<b>Application Description</b>	Reserved matters application for details of appearance, layout, scale and landscaping to plot 3 pursuant to outline permission granted under 16/00562/AS
<b>Applicant</b>	Gallagher Properties Ltd (c/o agent)
<b>Agent</b>	MD Associates, 5 Chancery Lane, London, WC2A 1LG
<b>Site Area</b>	1.2 hectares



- 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 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. Highways

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

Across the County there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

## 3. HS1

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

- encroach onto Network Rail land



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- affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future
  - The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

#### 4. Future maintenance

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

Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

## 5. Drainage

No Storm/surface water or effluent should be discharged from the site or operations on the site into Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

## 6. Plant & Materials

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

## 7. Scaffolding

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

## 8. Piling

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

## 9. Fencing

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

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

#### 10. Lighting

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

#### 11. Noise and Vibration

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

#### 12. Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and this should be taken into account when submitting conditional detail.

Permitted:

Birch (Betula),  
Crab Apple (Malus Sylvestris),  
Field Maple (Acer Campestre),  
Bird Cherry (Prunus Padus),  
Wild Pear (Pyrus Communis),  
Fir Trees – Pines (Pinus),  
Hawthorne (Cretaeagus),  
Mountain Ash – Whitebeams (Sorbus),

False Acacia (Robinia),  
Willow Shrubs (Shrubby Salix),  
Thuja Plicatata "Zebrina"

Not Permitted:

Alder (Alnus Glutinosa),  
Aspen – Poplar (Populus),  
Beech (Fagus Sylvatica), Wild  
Cherry (Prunus Avium),  
Hornbeam (Carpinus Betulus),  
Small-leaved Lime (Tilia Cordata),  
Oak (Quercus),  
Willows (Salix Willow),  
Sycamore – Norway Maple (Acer),  
Horse Chestnut (Aesculus Hippocastanum),  
Sweet Chestnut (Castanea Sativa),  
London Plane (Platanus Hispanica).

### 13. Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing. As the site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends the developer contacts Asset Protection Kent [AssetProtectionKent@networkrail.co.uk](mailto:AssetProtectionKent@networkrail.co.uk) prior to any works commencing on site. Network Rail strongly recommends the developer agrees an Asset Protection Agreement with Network Rail to enable approval of detailed works. More information can also be obtained at [www.networkrail.co.uk/asp/1538.aspx](http://www.networkrail.co.uk/asp/1538.aspx).

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Queries concerning these Minutes? Please contact Rosie Reid: Telephone: 01233 330565 Email: [rosie.reid@ashford.gov.uk](mailto:rosie.reid@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.gov.uk/committees](http://www.ashford.gov.uk/committees)