

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **20th June 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Bradford, Buchanan, Clarkson (ex-officio), Clokie, Galpin, Heyes, Hicks, Knowles, Krause, Ovenden, Waters, Wedgbury.

In accordance with Procedure Rule 1.2 (iii) Cllr. Mrs Bell attended as Substitute Member for Cllr Dehnel.

### Apologies:

Cllrs. Chilton, Dehnel, Macpherson.

### Also Present:

Cllrs. Pickering, Sims, White.

Head of Development Management and Strategic Sites; Senior Planning Officer; Principal Urban Designer; Tree Officer; Director of Place and Space; Head of Planning and Development; Local Transport and Development Planner (Kent County Council Highways and Transportation); Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

### Announcement from the Chairman

The Chairman advised that a request to film and record the meeting had been received in writing from a local resident and he confirmed that filming of the Planning Committee meeting was permitted. He explained the rules in relation to recording the meeting and asked if there were any members of the public who objected to being filmed. He said that if the filming became disruptive or distracting to the meeting he would instruct the recording to stop.

## 51 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Made a Voluntary Announcement as she was a Member of the Weald of Kent Protection Society, and a Member of Kent County Council for Ashford Rural East.	55 – 17/00567/AS 17/00568/AS 17/01888/AS 17/00944/AS 18/00251/AS

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		18/00345/AS 15/01282/AS 17/01896/AS
Bennett	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Bradford	Declared an Other Significant Interest as a close friend of his was the consultant for the applicant. He would speak as Ward Member and then leave the Chamber for the discussion, which he did.	55 – 17/01888/AS
Buchanan	Declared an Other Significant Interest as he was a close friend of one of the objectors. He would speak on the item and then leave the Chamber for the discussion, which he did.	55 – 17/00944/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Clokie	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Heyes	Declared an Other Significant Interest as he was a friend of one of the objectors. He would speak on the item and then leave the Chamber for the discussion, which he did.	55 – 17/00944/AS
Hicks	Made a Voluntary Announcement as she was the Deputy Portfolio Holder for Housing.	55 – 17/00944/AS 18/00345/AS 17/01896/AS
Ovenden	Made a Voluntary Announcement as he was a Member of Wye Parish Council, but he had not had any involvement with decisions on the applications.	55 – 17/00567/AS 17/00568/AS
Sims	Declared an Other Significant Interest. He would be representing his resident, Cllr White, and would be speaking as the Ward Member.	55 – 17/00944/AS

He left the Council Chamber after he had spoken and before the discussion.

Waters	Made a Voluntary Announcement that he was a Member of the Wye College Agricola Club and also a Member of Wye Heritage.	55 – 17/00567/AS 17/00568/AS
Wedgbury	Declared an Other Significant Interest as he was a close friend of one of the objectors. He would speak on the item and then leave the Chamber for the discussion, which he did.	55 – 17/00944/AS
White	Declared an Other Significant Interest as the application site abutted his own property. He said he would leave the Chamber for this item, which he did.	55 – 17/00944/AS

## 52 Minutes

**Resolved:**

**That the Minutes of the Meeting of this Committee held on the 23<sup>rd</sup> May 2018 be approved and confirmed as a correct record.**

## 53 Requests for Deferral/Withdrawal

The Head of Development Management and Strategic Sites said that prior to the meeting Officers had advised that application 18/00363/AS – Venruth, Redbrook Street, Woodchurch, Ashford TN26 3QU would be deferred in order to give residents more time to comment on the application.

## 54 TPO/18/00002 - Confirmation of Tree Preservation Order No. 2, 2018 - Rear Garden, 17 High Street, Biddenden, TN27 8AL

**Resolved:**

**To confirm the Order notwithstanding the objection.**

## 55 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)**

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- (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>	17/00567/AS	
<b>Location</b>	Former Wye College Buildings, High Street, Wye, Ashford, TN25 4AH	
<b>Grid Reference</b>	05520/46862	
<b>Parish Council</b>	Wye	
<b>Ward</b>	Wye with Hinxhill	
<b>Application Description</b>	Conversion of former College buildings with associated restoration and alterations to buildings, demolition of later structures and rebuilding to provide 38 dwellings and community space; together with provision of 2 new dwellings, parking courts with car barns, cycle storage and refuse stores on land to the north of the retained buildings and associated landscaping; and change to parking arrangements for Squires Cottages	
<b>Applicant</b>	Telereal Trillium	
<b>Agent</b>	Hobbs Parker Property Consultants LLP	
<b>Site Area</b>	1.01 hectares	
<b>First Consultation</b>		
(a) 93/20R	(b) R- WwHPC	(c) 31/ 15X ( KCCPROW-X, KCCDC-X, KWT-X, TCW-X, HE-X, GS-X, EA-X, NE-X, SWS-X KDAONB-X, KH&T-X, ABCAO-X, ABCPO-X, WPCC-X, KR-X, ) KCCFWM-R
<b>Second Consultation</b>		
(a) 93/8R	(b) R-WwHPC	(c) 31/ 9X ( EA-X, HE-X, CCGNHS-X, SWS-X, KCCDC-X, KCCFWM-X, KCCH&T-X, ABCHS, ABCPO-X)

**Third Consultation**

- |           |             |   |
|-----------|-------------|---|
| (a) 93/6R | (b) R-WwHPC | (c) 31/ 2S (SPAB-S, HE-S) /<br>15X ( EA-X, GS-X, NE-X,<br>SWS-X, SSE-X, KCCFWM-<br>X, KCCH&T-X, KCCE-X,<br>KCCPROW-X, ABCES-X,<br>ABCSSOS-X, ABCPT-X,<br>ABCPO-X, ABCAO-X,<br>ABCHS-X ) |
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The Principal Urban Designer drew Members' attention to the Update Report. A consultation response had been received from Southern Water and Wye Parish Council had sent a further objection letter. Further comments had also been received from local residents. Advice was provided regarding wording of the Recommendation and there were some amendments to Conditions.

In accordance with Procedure Rule 9.3, Mrs Mclean, a local resident, spoke in objection to the application. Her points concerned the impact on the community and the lost opportunity represented by a ruthlessly mechanical and unsympathetic application. The aim was to maximise residential accommodation at the expense of community use and benefit. Mrs Mclean said she knew the listed buildings very well and had contributed to the development of the Wye Neighbourhood Plan, and knew that this application did not reflect the policy, aims and aspirations of the community. It also lacked the overarching values that reflected the quality of the site and setting. The proposed residential development made little contribution to the economic life of Wye, in bringing new jobs to the village that would make it a more sustainable development. Mrs Mclean had worked in an office off the main quadrangle and for three generations her family had enjoyed concerts and functions in these buildings. On behalf of the Wye College Agricola Club she corresponded with over 3,000 past students. The college remained a very special place for these people. Community use of the listed buildings enriched the community in so many ways, but not if it was stifled as a gated development. If residential privacy was pitched against community interest, the community would lose out. When the college closed, it damaged many aspects of village life, but the Latin school still provided direct historic connection to the education foundation of 1447. Mrs Mclean had attended both of the WYE3 Masterplan workshops. The agenda did not include discussion of the listed buildings and attempts to raise issues were shut down without discussion. There had been no public discussion about the positive contribution that conservation of heritage assets could make to sustainable communities, including their economic viability as required by the NPPF. Mrs Mclean asked Members to consider present and future generations and maintain the correct connection provided by the Latin school with the educational foundation of 1447, and recognise it as an asset of community and historic value.

In accordance with Procedure Rule 9.3, Mr Jarman, the agent, spoke in support of the application. He said the proposals were the result of long and detailed negotiations with

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Officers and with Historic England, over a period of two years. Mr Jarman said it was imperative to achieve a suitable re-use of these listed buildings and support the high cost of conversion and renovation in excess of £10m. The former Wye College buildings were of national importance, and the highest priority had been attached to their restoration and their long-term use. The applicants were committed to meeting the conversion costs and making a prompt start on the restoration of the listed buildings in accordance with the recommended one year condition. Bringing these listed buildings back into use would contribute to the vitality of the village, it would provide new homes for residents, provide additional support for local business and services and provide areas for community use and community access. Officers and Historic England agreed that the combination of housing and some community uses was a realistic mix and that the proposed conversion respected the special character of these buildings. It was important to note that the residential and community uses were both supported by the Neighbourhood Plan. Other possible uses envisaged were provided for elsewhere, such as in the case of Wye School, or in the case of employment use which could be located elsewhere in more suitable accommodation. The proposal for the enlarged and improved accommodation for the Wye Heritage Centre would be provided at a peppercorn rent. Access would also be provided through important parts of the listed building complex on a regular basis. The proposals for ancillary residential use of the Latin school were acceptable and preferable in Officers' reports to any form of community use. Officers confirmed that the 40 new homes were to be considered as a windfall site. The proposal constituted the most suitable and viable use for the listed buildings and were at the heart of the Masterplan which was being prepared. In no way could they be considered to be premature or prejudicial to the Masterplan. All other planning considerations, such as traffic, parking, foul and surface water drainage and ecology, were deemed to be acceptable.

In accordance with Procedure Rule 9.3, Mr Frost, on behalf of Wye and Hinxhill Parish Council, spoke in objection to the application. He said this application was vitally important for the future of the village and for the integrity of the Neighbourhood Plan, which was approved 18 months ago. It covered an outstanding complex of buildings, dating back to the 15<sup>th</sup> century, with great heritage significance. The detailed objections to the application were summarised in the Committee and Update reports. The main objection was that this application was contrary to the Wye Neighbourhood Plan, particularly policies NP6 and 11, in that it was premature and prejudicial to the Masterplan process for the whole College site. Decisions taken now on the application site would directly affect what could be done elsewhere on the 44 acre regeneration site and also bring into question the achievement of integrated and sustainable development. The Masterplan had been very slow to emerge. A draft document was prepared by the site owners and published in March, and now awaited consideration by the Borough Council in August. The lack of an agreed Masterplan was fundamental in a number of ways. Firstly, this application was housing dominated and did not include the mix of other uses sought by the Neighbourhood Plan across the site, and the community uses were best located there in the heart of the village. Secondly, it lacked the Affordable Housing and support infrastructure sought by planning policy but it was not yet clear to what extent that failure could be offset by contributions elsewhere on the site. Thirdly, the cumulative traffic impact of development across the whole former

College site needed to be considered holistically, given the serious traffic and parking problems in Wye. Fourthly, the Masterplan should provide bespoke arrangements in advance to manage and maintain the whole of the former College site. It made sense to defer this application until an approved Masterplan was in place. This would give the Council the opportunity to address some of the flaws in the current application, particularly by negotiating genuine use by the community, and also address the design and heritage issues, particularly in relation to the two houses and the elevational treatments facing the churchyard. Mr Frost requested that the application was deferred until the approved Masterplan was in place.

**Resolved:**

- A. Subject to the receipt of amended plans showing the former Latin School in Community Use together with access arrangements thereto and to additional times of access to the communal areas to be agreed by the Head of Development Management and Strategic Sites under delegated authority, and**
  
- B. Subject to the prior completion of a Section106 agreement or undertaking in respect of the planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance with delegated Authority to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to negotiate the terms of the S.106 obligations to reflect the viability of the scheme, including to determine appropriate Initial (Pay Regardless) Contributions, the thresholds and percentages of Deferred Contributions, including to omit any of the Deferred Contributions that are subject to pooling should this compromise the ability to collect for projects from other sites and all ancillary matters to ensure that reasonable and proper contributions are made by the development bearing in mind the viability position and further valuation advice and to make or approve minor changes to the obligations and conditions as they see fit (for the avoidance of doubt including adding additional conditions or deleting conditions) and any further minor changes/amendments to materials, glazing, fine detailing that are deemed necessary by officers, with authority delegated to the Head of Development & Strategic Sites or the Joint Development Control Managers to thereafter issue the decision notice with any further conditions or minor changes to the conditions/notes set out in (C) below**



**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>Contribution towards offsite affordable housing in lieu of onsite provision of 35% and on the basis of a subsequent split of 60% affordable rented and 40% shared ownership)</p>	To be calculated based on the cost of offsite provision of the size and type of affordable housing units that would have been provided on site.	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
2	<p><b><u>Primary Education</u></b></p> <p>Towards Wye Primary School group room</p>	<p>Total £63,987</p> <p>Per house £3324</p> <p>Per Flat £831.</p>	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
3	<p><b><u>Secondary Education</u></b></p> <p>Towards Norton Knatchbull Hall expansion</p>	<p>Total <b>£79,220</b></p> <p>Per house £4115.00</p> <p>Per Flat £1029.00</p>	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
4	<p><b><u>KCC Footpaths</u></b></p> <p>Project : AE110 resurfacing section through Churchyard between High Street along edge adjacent to allotments up to Olantigh Road.</p>	<b>£28,313</b>	Pay Regardless – prior to occupation of 20 dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
5	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project: Improvements towards Recreation Ground 'Playpark 2018' (Children 0-8 years)</p>	<p>Off Site Contribution £21,214.19</p> <p>£649 per dwelling for capital costs</p> <p>Commuted Maintenance £21,671.81 £663 per dwelling for maintenance</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
6	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Project: Contribution towards improved access to the riverbank at the village recreation ground, and to provide additional space by pursuing negotiations with Southern Water to agree a lease to have access to land currently within the waste water works.</p>	<p>Off Site Contribution £14,186.38</p> <p>(£434 per dwelling for capital costs</p> <p>Commuted Maintenance £10,623.44</p> <p>(£325 per dwelling for maintenance</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers.</p>
7	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards a project for sports provision within Wye village to meet increasing demands.</p>	<p>Off Site Contribution <b>£51,940.44</b></p> <p>(£1589 per dwelling for capital costs</p> <p>Commuted Maintenance £10,656.13</p> <p>(£326 per dwelling for maintenance</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
8	<p><b>Allotments</b></p> <p>Contribution towards a project to identify and acquire land within the Parish of Wye for allotments.</p>	<p>Off Site Contribution £8433.38</p> <p>(£258 per dwelling for capital costs</p> <p>Commuted Maintenance £2157.38</p> <p>(£66 per dwelling for maintenance</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
9	<p><b><u>Libraries</u></b></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p>£1920.63</p> <p>£48.02 per dwelling</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
10	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><b>£1000</b> one-off payment</p>	<p>Before commencement of development</p>
11	<p><b><u>Strategic Parks</u></b></p> <p>Project: Conningbrook Lakes Strategic Park signage</p>	<p>Total capital contribution for off site provision <b>£4772.38</b></p> <p>(£146 per dwelling for capital costs)</p> <p>Total commuted maintenance sum £1536.31</p> <p>(£47 per dwelling for maintenance</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers.</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
12	<p><b><u>Cemeteries</u></b></p> <p>Project : Contribute towards a proposed extension to the Churchfield Burial Ground which will need a landscape plan and hard and soft landscaping.</p>	<p>Total capital contribution for off site provision £9283.25 (£284 per dwelling for capital costs)</p> <p>Total commuted maintenance sum £5753</p> <p>(£176 per dwelling for maintenance)</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
13	<p><b><u>Health Care</u></b></p> <p>Contribution towards enhancement and increased capacity of Wye Surgery</p>	<p>£504 for each 1-bed dwelling</p> <p>£720 for each 2-bed dwelling</p> <p>£1008 for each 3-bed dwelling</p> <p>£1260 for each 4-bed dwelling</p> <p>£1728 for each 5-bed dwelling or larger</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
14	<p><b><u>Voluntary Sector</u></b></p> <p>Project: To be confirmed in consultation with ABC and Parish Council.</p>	<p>£83 per dwelling</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
15	<p><b><u>Deferred payments mechanism</u></b></p> <p>Mechanism to monitor sales/rental values to ensure that an agreed 40% of any rise in values is paid to the council towards those contributions above that are deferred, in accordance with a scheme to be agreed</p>	Up to the value of all deferred contributions (indexed).	To be paid if the circumstances prevail.
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are <u>index linked</u> in order to maintain their value. The Council's and KCC's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

### C. Permit

#### **Subject to the following Conditions and Notes:**

##### Implementation

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

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

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

3. The development shall be 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.

#### Materials

4. Samples of all external materials shall be provided on site for discussion with the Local Planning Authority within three months of the commencement of construction works and shall be accompanied by written details of the agreed materials including source/ manufacturer and samples of all bricks, stone, tiles and cladding materials to be used externally. These details of external materials shall be approved in writing by the Local Planning Authority before their use in the development.

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

#### Phasing

5. The development shall be carried out in accordance with the approved phasing details for the listed building. A programme for the new build units shall be agreed in writing by the Local Planning Authority. The new build units should not be occupied until at least 50% of the converted flats are occupied.

**Reason:** To ensure the early works to the restoration of the listed buildings and in the interests of the proper planning of the development.

#### Architectural detailing (new structures)

6. No development above ground floor slab level on any new build structures shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:-
  - (a) 1:20 scale details of eaves, fascias, coping and roof ridge details
  - (b) 1:20 details of vertical or horizontal cladding panels including dimensions, overlaps, joint details and fixing methods

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- (c) Details of any external rainwater goods.
  - (d) All boundary wall details
  - (e) All proposed gates including style, detailing and final finish colour
  - (f) Brick or stone laying patterns, mortar specification and colour
  - (g) Brick bond and decorative brick work bands including vertical brick courses and window surround details
  - (h) 1:10 and 1:20 details and sections of the window frames to residential units including doorframes
  - (i) 1:20 details of the balconies including materials, balustrade, railings, fixings and soffits.
  - (j) 1:20 details and sections of recessed or projecting sections of the facades and materials to show joins and edge treatment and depth
  - (k) Details of all supporting columns including materials, finish and colour
  - (l) Depth of window reveals
  - (m) Details of down pipes and guttering to match the colour of joinery
  - (n) External doors to car ports, cycle store and bin stores
  - (o) 1:20 details of the location, set back, colour and specification of any expansion points or weep holes
  - (p) Rooftop fixtures or equipment

Thereafter, the development shall only be constructed in accordance with the approved details and all approved details shall be retained unless any variations have been approved in writing by the Local Planning Authority.

**Reason:** Further details are required in order to ensure that the external fine detail of dwellings is of a high design quality.

#### External Fixtures & Equipment

7. Full details of the location, design, appearance and material of any external fixtures and equipment located on any new buildings or converted buildings shall be submitted to and approved in writing by the Local Planning Authority within no later than one month before their installation. The details shall include anything above ground level including;

- a) Lighting
- b) Signage
- c) Intercom System
- d) Security, alarms or CCTV cameras
- e) Post collection
- f) Gas
- g) Electricity
- h) Water
- i) Telecommunications
- j) Cables & Pipework
- k) Vents, grilles or flues

This does not apply to any works that may need listed building consent which should be checked and considered separately. Thereafter any approved works on these details (a)-(k) shall be carried out in full accordance with these approved details.

**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.

#### Residential Amenity

8. The following windows shall be obscure glazed before any of the associated units are occupied and before the heritage centre can be used,
- a) Unit 20 Dining/Living/Study – 2 west facing windows overlooking the garden of unit 18.
  - b) Archive Room – 2 east facing windows overlooking the private garden area of unit 20.

Thereafter these windows shall remain obscure glazed unless otherwise agreed in writing by the Local Planning Authority.

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



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9. No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 on Saturdays, with no working activities on Sunday or Bank Holidays.

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

10. The following areas and rooms of the building shall only be used as follows
- (a) Wye Heritage Centre and Latin School shall only be used for D1(g) use as a non-residential institution public hall for meetings and activities of community groups.
  - (b) Great Hall, Jacobean Dining Room plus adjacent room, main staircase and Lecture Theatre shall only be used by occupants of the development or by prior arrangement by external individuals as set out in condition 13 for communal uses ancillary to the main C3 use of the site.
  - (c) Chapel shall only be used for D1(h) in connection with public worship

These rooms and areas shall not be used 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.

#### Access to Heritage Assets

11. Prior to the occupation of the first residential unit, details of the arrangements for making the proposed new Wye Heritage Centre and Latin School both shown on the submitted plans available for public use including for use by the Wye Heritage Group, and any other interested local historical groups or community organisations shall be agreed in writing with the Local Planning Authority. The accommodation shall be made available between the hours of 08:00 and 22:00 hours on any day. Details of the management agreement and hire cost based on a proportionate peppercorn basis for the facility shall be agreed in writing with the Local Planning in consultation with the Parish Council.

**Reason:** In order to secure an appropriate level of community access to the premises.

12. The Great Hall, Jacobean Dining Room plus adjacent side room, main staircase and Lecture Theatre communal areas of the buildings shall be made available for residents of the complex to use only between the hours of 08:00am and 22:00pm (Monday-Saturday) and at any other special times for specific individual functions (such as New Year's Eve) by prior agreement with the Management Company in association with the residents and the terms of such agreement shall be agreed in writing with the Local Planning Authority.

The Management Agreement should be undertaken by a competent Management Company. The selection of the preferred Management Company should be agreed in writing with the Local Planning Authority prior to the areas coming into use.

**Reason:** In order to preserve the amenity of the occupiers of the building.

13. A Public Heritage Access Programme for the building complex will form part of any Management Agreement to cover access to the following areas of the building for the following periods.
- a. Twice per calendar month access by appointment of no less than 4 hours, to Great Hall, Jacobean Panelled Dining Room; adjoining linked room between Panelled Room and Staircase; Solar Room; Lecture Theatre; Staircase & Statues; Scheduled Ancient Monuments; War Memorials and all Cloisters and external courtyards.
  - b. Chapel – to be available for a minimum of 2 services a week each of between 3 and 6 hours as set out by any Management Agreement and arrangement with the Management Company.
  - c. An annual heritage open day of up to 6 hours duration.

The Management Agreement and Public Heritage Access Programme and agreement must include full details setting out the precise management arrangements of how and when a such a programme will be held, publicised, managed, charged and operated and shall be programmed in accordance with the designated timescales unless otherwise agreed in writing with the Local Planning Authority. The Public Heritage Access Programme will also be subject to consultation with local heritage groups and Wye with Hinxhill Parish Council.

The Programme will also set out how to encourage property owners to participate how the Annual Open Days and shall be submitted to and approved in writing by the Local Planning Authority following consultation with local heritage groups and Wye with Hinxhill Parish Council.

All tours of the building should be free of charge and will only be conducted by an organisation that has been set out in the Management Agreement agreed in

writing with the Local Planning Authority unless otherwise agreed in writing with the local Planning Authority.

The Management Agreement and Public Heritage Access Programme and must be submitted to and approved in writing by the Local Planning Authority within 3 months of the first occupation of the development and shall remain in place for as long as the property has a residential use.

3 years after the first occupation of the building, the Public Heritage Access Programme will be subject to a full review to establish their popularity and to review the need for any potential changes to time, length and frequency of all events and access. This shall be discussed and agreed in writing by the Local Planning Authority having sought the views of the Wye with Hinxhill Parish Council, relevant local historical groups and the residents of the building. A full review will then be repeated for a final time a further 2 years later (5 years after the first occupation) to establish if the times and frequencies are practical or if there is any need or scope to increase the public access to the building and will again be subject to the same local consultation.

**Reason:** In the cultural interest of the village community and to ensure the amenities of residents are protected.

#### Archaeology

The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the start date of construction works on site not less than two weeks before the commencement of such works.

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

14. 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.

15. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of archaeological field evaluation works in accordance with a specification and written timetable which

has previously been submitted to and approved in writing by the Local Planning Authority; and following on from the evaluation has secured the implementation of; Any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or Further archaeological investigation in accordance with a timetable which has previously been submitted to and approved in writing by the Local Planning Authority.

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

#### Archaeology Protective Fencing

16. No development shall take place until the need for fencing has been assessed. If required the fencing shall be erected, in a manner to be previously agreed in writing by the Local Planning Authority, about the Scheduled Ancient Monument]; the fencing shall be retained for the duration of construction works and no works shall take place within the area inside that fencing without the prior written consent of the Local Planning Authority.

**Reason:** To ensure that important archaeological remains are not adversely affected by construction works.

#### Archaeology Recording

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been previously submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that historic building features are properly examined and recorded.

#### Permitted Development Rights

18. 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 houses and apartments 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 2015 or any subsequent Order revoking or re-enacting that Order.

**Reason:** To protect the amenities of future occupiers of the development.

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### External Lighting

19. Prior to occupation of any dwelling details of external lighting shall be submitted to the local planning authority and agreed in writing. The approved lighting shall be installed prior to occupation of any dwelling in that phase and no further external lighting shall be installed in that phase without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.

### Public Rights Of Way

20. Within 6 months of the start of construction details and specifications of the following footpath improvements shall be submitted -
- a. AE113 between Olantigh Road and footpath AE110 through the site be widened and upgraded with a new bound surface.
  - b. An section of footpath AE110 adjacent to the development site, to be confirmed, which shall be resurfaced with a new bound surface

These specification shall be approved by the Local Planning Authority in consultation with Kent County Council Public Rights Of Way Officer prior to their construction and shall be completed within 3 months of the first occupation of the development.

**Reasons:** To promote walking and in the interests of the visual amenity of the area.

### Landscaping

21. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

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

22. Within 12 months of the commencement of construction works full details of both hard and soft landscape works on the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include

- Main entrance forecourt adjacent to High Street
- Public Footpath AE110 & AE112
- proposed finished levels or contours;
- means of enclosure;
- car parking layouts;
- samples of hard surfacing materials;
- areas of planting
- minor artefacts and structures
- lighting and any measures in accordance with ABC's Dark Skies SPD.
- proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

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

23. Within 12 months of the commencement of construction works the full details of soft landscape works required by condition above shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include -

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d) tree pits including root protection details
- e) an implementation programme.
- f) A landscape management plan

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Thereafter these works shall be carried out as approved unless previously agreed otherwise in writing by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area and to ensure it's properly maintained in the interest of the amenity of the area.

24. All hard landscape works shall be carried out prior to the occupation of that phase of the development and soft landscaping works shall be carried out within 3 months of the first occupation of that phase in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

25. 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.

#### Boundary Details

26. Prior to the commencement of the development, details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected prior to the occupation of that phase of the development in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

#### Highway & Parking

27. The area shown on the drawing reference number 2742-03 rev P9 (Proposed Site Plan) as vehicle parking space, car ports, visitor parking bays, loading bay and turning areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority

before any of the homes served by these areas are first occupied .Thereafter they shall be permanently maintained and retained for the use of the occupiers, 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:** To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety as development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

28. The proposed footways, footpaths, verges, lighting, bollards, sewers, drains, retaining walls, service routes, surface water outfall, visibility splays, accesses, gradients, car parking and street furniture shall be laid out in accordance with details to be submitted to and approved in writing by the Local Planning Authority in writing before construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials, and method of construction shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of consistency and to allow proper consideration of the impact in highway terms

29. No dwelling shall be occupied until details of a residents' information pack in respect of the nature of the approved allocated parking arrangement for each home (including Squires Cottages) has been submitted and approved by the Local Planning Authority in writing. The residents' information pack in respect of shall comprise the following:-

- (a) confirmation of the location of any allocated parking facilities serving the home,
- (b) confirmation that in respect of any car barns such covered facilities have been purposely designed to ensure that they are used for the parking of motor vehicles and that the addition of further doors is prohibited
- (c) details of cycle parking spaces
- (d) details of any additional resource car parking in the village
- (e) details of public transport connections (bus and train)

The approved details shall be given to the first occupier of each dwelling and also those managing communal areas at flats at first occupation.



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**Reason:** In order to ensure that soft landscaping and tree planting is understood those managing communal space to ensure that car parking arrangements, particularly in respect of covered car barns, is similarly understood.

30. The completion of the access details shown on the submitted plans shall take place prior to the occupation of each phase of the development hereby permitted and shall thereafter be permanently maintained for this use.

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

31. Within 3 months of the commencement of construction works, details of measures to prevent the discharge of surface water from the private parking spaces onto the highway shall be submitted to and agreed in writing with the Local Planning authority. It shall be provided prior to the occupation of any of the apartments that these parking areas serve, hereby permitted and thereafter they shall be permanently maintained for this use.

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

32. Full details of communal cycle stores, including internal amenity lighting, secure entrance doors and cycle parking within the store shall be provided and agreed in writing with the Local Planning Authority before occupation of the development. The cycle parking facilities shown on the submitted plans shall be provided prior to the occupation of the development hereby permitted and shall thereafter retain permanently for this use.

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

#### Drainage

33. Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker.

The design of drainage should ensure that no additional land drainage or ground water is to enter public sewers network. Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The development shall be carried out in accordance with the approved drainage scheme and timetable.

**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 as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

34. Development shall not begin until a details of the foul and surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority in consultation with Southern Water. The detailed drainage scheme shall demonstrate that the additional 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 within the curtilage of the site 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 scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a timetable for its implementation,
- 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 drainage system throughout its lifetime.

**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 calculations are required prior to the commencement of the development and helps 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.

#### Ecology

35. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

**Reason:** To enhance the local biodiversity.

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Refuse

36. No apartment shall be occupied until the details identified below have been submitted to and approved by the Local Planning Authority in writing and subsequently provided (in accordance with the approval) available for use by the occupiers of the flats:-
- (a) details of secure access arrangements to the integral bin store, including opening / closing hardware (FB1 or FB2), stays or catches to lock double opening doors back in an open position at collection time, amenity lighting and hose down/cleaning facilities, and
  - (b) details of secure access arrangements to the integral cycle store, nature of secure storage racks & anchoring points and amenity or security lighting.

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

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

Water efficiency

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

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

Fibre to the premise condition:

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

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

#### Electric Car Charging Points

39. Prior to the first occupation of development details of where designated parking spaces or carports can be provided with electric vehicle charging point shall be submitted to and agreed in writing with the Local Planning Authority. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order, for the charging of electric vehicles unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.

#### Cleaning & Maintenance Strategy

40. Before the development is occupied a cleaning maintenance strategy for all the external elements of the building shall be submitted to and agreed in writing with the Local Planning Authority. This shall include the different method and techniques of cleaning the different materials and frequency they are cleaned

**Reason:** To ensure the building is maintained to a high standard.

#### Demolition - Retention of Stone/Brick

41. The demolition of any external walls shall be carried out in such a way as to ensure that all external stones/bricks not at present irretrievably damaged or eroded are set aside and stored securely for the potential re-use in the construction of other buildings within the development or for recycling and shall be agreed in advance of demolition with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance upon completion of the development

#### Construction

42. Prior to development commencing, a construction management plan shall be submitted to and approved by the Local Planning Authority in writing and include;
- (i) Location of the site compound and routing of construction and delivery vehicles to / from site from the M20 and A28 to the site (Former Wye College, Wye). The site compound and lorry routing shall be implemented

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in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority, and shall be retained as such for the duration of the works hereby approved.

- (ii) Details of parking and turning areas for construction vehicles, delivery vehicles and site personnel.
- (iii) Details of temporary traffic management signage.
- (iv) Details of access points, loading / unloading and turning areas for all construction traffic,
- (v) Hours of operation and timing of deliveries
- (vi) Details of proposed dust suppression, odour suppression and vapour suppression methods,
- (vii) Details of proposed surrounding fencing / hoardings to any compounds,
- (viii) details of proposed structures to be located within compounds and any proposed lighting (including measures to limit light spillage to the public any highway and to nearby residents), and
- (ix) details of any plant, equipment and machinery to be installed as part of the compound including details of hours of operation and noise during operation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the local highway authority) and thereafter the approved details shall be provided prior to the commencement of development and retained for the duration of the construction of the permitted development unless the Local Planning Authority has agreed otherwise in writing.

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

**Reason:** In the interests of public engagement and to ensure provision of adequate off-street 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.

43. Before any demolition on-site clearance commences, a Scheme of Minimum Environmental Requirements for Demolition (SMERFD) shall be submitted to and approved in writing by the Local Planning Authority in writing. Thereafter,

demolition and on site clearance works shall be implemented in accordance with the SMERFD. The matters to be addressed in the SMERFD shall include the following;

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

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

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

- (i) design, implementation and protection of any landscaping to be retained to relevant British Standards,
- (ii) Considerate Contractors / Code of Construction Practice,
- (iii) methodology of protecting existing and new trees to the relevant British Standard during construction, and
- (iv) a method statement for any piling or other noisy construction activities, or the installation of any large static construction equipment such as cranes.

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

45. 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.

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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 and meetings with key stakeholders
- was provided with pre-application advice,
- the application was not acceptable as submitted and further negotiations and assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

3. 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 our 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.

"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)".

**General Informatives:**

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
  3. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.
  4. Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
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<b>Application Number</b>	17/00568/AS
<b>Location</b>	Former Wye College Buildings, High Street, Wye, Ashford, TN25 4AH
<b>Grid Reference</b>	05520/46862
<b>Parish Council</b>	Wye
<b>Ward</b>	Wye with Hinxhill
<b>Application Description</b>	Conversion of former College buildings to provide 38 dwellings with internal and external alterations to include new openings, new partitions, closure of existing openings, removal of doors and partitions, new staircases and opening up of intermediate floor. Demolition of existing extensions
<b>Applicant</b>	Telereal Trillium c/o Agent
<b>Agent</b>	Hobbs Parker Property Consultants LLP
<b>Site Area</b>	1.01ha

(a) First consultation 91/14	(b) First consultation: R	(c) First consultation: EA X; NE X; HE X; SWS X; GS X; WPCC R
Second consultation 91/2	Second consultation: R	Second consultation: SWS S; HE X

The Head of Development Management and Strategic Sites drew Members attention to the Update Report. She said the items covered by the Principal Urban Planner for the previous application should also be treated as applicable to this application.

In accordance with Procedure Rule 9.3, Mrs Mclean, a local resident, spoke in objection to the application. She said heritage assets were an irreplaceable resource. The NPPF stated that where there was evidence of deliberate neglect or damage to a heritage asset, the deteriorated state of the asset should not be taken into account in any decision. Some of the maintenance was simply clearing gutters. The plans before Committee had changed very little since the applicant had shown them to the Parish Council in June 2016, five months before the applicant's pre-application discussion with the Council in December 2016. The supporting evidence on heritage had therefore been retrofitted, as were planning applications like traffic and drainage reports. Despite all the years of preparation and evidence gathering to provide the applicant with clear policy guidance in the Wye Neighbourhood Plan, page 87 of the draft WYE3 Masterplan

dismissed the listed buildings in twenty words. There had been no consideration of alternative uses, or mixed use as required by the Neighbourhood Plan. The alternative and sympathetic educational uses would retain far more of the fabric. Mrs Mclean cited NPPF paragraphs 17 and 126. She questioned why various relevant documents had not been made available on the Council's website, despite repeated requests. Mrs Mclean had attended both the WYE3 Masterplan workshops in 2017. The agendas did not include listed buildings and attempts to raise these issues were shut down without discussion. There had been no public discussion about the positive contribution that heritage assets could make to sustainable communities, including their economic viability. Mrs Mclean requested that this application be deferred to allow proper consideration of the policies in the Wye Neighbourhood Plan in relation to these buildings and the whole of the WYE3 Masterplan.

In accordance with Procedure Rule 9.3, Mr Jarman, the agent, spoke in support of the application. The significance of these buildings had been evident from the start and detailed studies, which were all publicly accessible, had been carried out by Canterbury Archaeological Trust. Therefore, these buildings had been recorded and understood and heritage aspects had been considered at the deepest level from the start. The proposals had the support of Historic England, who were enthusiastic about the works, and especially commented on the restoration of the first floor solar and the opening up of the roof structure above, as well as the restoration of the ancient Britain statues. It was not correct to say that the buildings had not been maintained by the present owners. They had been vacant since 2009 but running repairs had been done. Works had been undertaken to the roof to prevent leaks and there was round the clock security. The owners had fully understood and taken on board their responsibility for these buildings. In terms of public access, this could be discussed further with Officers, but regular public access would be provided to the great hall, the panelled dining room, the historic staircase, the chapel and the lecture theatre. This latter building was very important and lent itself immediately to use for public lectures etc, and was likely to be of continued use to the community. The detailed conditions set out in the Officer's Recommendation would ensure that the greatest care would be taken of the buildings in the future. Canterbury Archaeological Trust would be involved throughout the process. Mr Jarman requested that Members grant listed building consent this evening.

In accordance with Procedure Rule 9.3, Mr Frost, on behalf of Wye with Hinxhill Parish Council, spoke in objection to the application. The Parish Council were concerned over the lack of an agreed Masterplan to set the context for the detailed listed building proposals in this application. Discussions between the applicants, the Borough Council and Historic England had revealed how impracticable and how inappropriate it was to subdivide some parts of these buildings into small discreet residential units. Community use was an obvious alternative in the heart of the village, but instead the proposals were for communal use by residents with limited community access. The Parish Council were very pleased that the Committee had recognised that and instructed Officers to explore the possibilities to improve public access. In terms of the impact on the heritage assets, the Parish Council were also concerned about the failure to respect the cultural heritage and significance represented by these buildings, which had been in educational use for centuries and had been closely woven into the life of

the Wye community. The Parish Council were also concerned about the lack of detail, particularly in the way the proposals would impinge upon the character and appearance of the Wye Conservation Area and setting of nearby listed buildings, notably the parish church. They were pleased that Members had looked at the Latin school and wanted the use of that explored as a community asset rather than a private residence. They were concerned about the large expanse of private car parking proposed within the site and its negative impact on nationally important listed buildings, as well as a poor standard of residential amenity for some of the north-facing units. They were concerned about the lack of any clear management maintenance and servicing arrangement for the buildings after conversion. It was the subject of negotiation under a planning condition, if approved, but they considered that something should be sorted out for the site as a whole. As an example, there was no base on the site for a management organisation to carry out essential work. They were concerned about the proposed two dwellings in the car park, which adjoined the conservation area boundary. Their location and layout would provide poor residential amenity and they were overlarge and not respectful of the listed adjacent buildings. The Parish Council did not consider that these proposals justified the grant of listed building consent but there was the opportunity to address those matters and produce revised proposals, more in line with neighbourhood planning policy, particularly WNP2, 6 and 11 and to safeguard these outstanding heritage assets.

**Resolved:**

**Grant Listed Building Consent subject to:**

- (A) Authority being delegated to the Head of Development Management to issue the listed building consent and to make or approve minor changes to the conditions as they see fit (for the avoidance of doubt including adding additional conditions or deleting conditions) and any further minor changes/amendments to fine detailing that are deemed necessary by officers,
- (B) **Subject to the following Conditions and Note:**

Conditions for Wye College

1. No works of demolition shall be carried out before a contract for the carrying out of the works of redevelopment of the site has been awarded and planning permission has been granted for the redevelopment for which the contract provides and details of the timing of demolition and commencement of rebuilding have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site

2. Before any work hereby authorised commences, details of measures to be taken to safeguard those parts of the building shown to be retained on the approved plans shall be submitted to and approved in writing by the local planning authority.

The approved measures shall thereafter be fully implemented and retained for the period of any demolition or construction works.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990

3. The developer shall give the local planning authority 10 working days advance notice of the start of any works and, for this period before any work begins, reasonable access to the building shall be given to a person or body nominated by the Local Planning Authority for the purpose of recording the building and its interior by making measured drawings or taking photographs.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

4. The demolition of all internal fabric and external masonry shall be carried out by hand [or by hand-held tools] only and the materials stored securely for re-use in the making good of external walls.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990

5. Before the chimney stack is dismantled a survey including annotated photographs and measured drawings at a scale no less than 1:20 indicating both overall dimensions and detailing of the stack, and showing extent of demolition, shall be submitted to and approved in writing by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

6. Prior to commencement of the works/development hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the timber roof structure, all areas of historic panelling shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

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**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

7. Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
  - a. 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, demolish and/ or rebuild, including methods of repair where applicable.
  - b. 1:20 scale plan sections and elevations of all proposed new internal first floor structures (in specific areas??) , floor supporting structures, and internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
  - c. 1:10 scale section through all external walls (masonry or timber framed) which is proposed to alter the existing details to achieve better insulating, weatherproofing or for other purposes.
  - d. 1:20 scale sections and elevations of all new openings in masonry and timber framed external walls and roofs including details of heads, jams and sill openings to be created in the structure, and also details of the relationship of windows, doors or roof lights to be inserted to the historic structure.
  - e. Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include internal and external doors and windows, In addition, sections, mouldings and glazing bars shall be to a scale of 1:1 or 1:2 and will show means of fixing glazing. Details of finishes shall also be included.
  - f. 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
  - g. 1:20 scale elevation drawings indicating proposed areas of brick or stone walling where it is proposed to carry out re-pointing works.
  - h. 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
  - i. 1:10 scale plans and sections illustrating details of any proposed fire and sound insulation to historic partitions, walls and roof structures, together with proposed materials for such infilling.

- j. A fully detailed schedule, including [drawings to a scale of 1:5 and] annotated photographs, for each and every window it is proposed to repair, restore or replace, including methods or repair where applicable.
- k. Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

**Reason:** To ensure that special regard is paid the interests of protecting special architectural and historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

- 8. No sand-blasting or other abrasive method is to be carried out to clean any timbers.

**Reason:** To ensure the preservation of structure, features and detailing that form part of the architectural historic character of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

- 9. No features are to be removed until a drawn and photographic record of those it is proposed to remove has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure features of historic and architectural interest are properly examined and recorded, and in accordance with Policy

- 10. Upon careful removal of modern infill to any of the fireplaces, the local planning authority Conservation Officer is to be notified and given the opportunity to inspect the fireplace. No further works are then to be carried out to the fireplace until detailed drawings for the restoration of the fireplace have been submitted to and approved in writing by the local planning authority and the works thereafter should be carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

- 11. Prior to the commencement of development, a sample panel of brickwork and stonework measuring not less than 1 metre by 1 metre shall be constructed to show the brick bond, details of mortar mix and type and style of pointing for the making good to the north elevation of the Agricola Quad, following the demolition of the kitchen extension, as approved. The Local Planning Authority shall then be notified in writing of the construction of the panel. The Local Planning Authority shall then consider the panel and if acceptable approve in writing. The approved sample panel shall thereafter be retained on site for the duration of the works. The development shall be constructed in accordance with the approved panel.

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**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

12. Before the commencement of the development hereby approved, a specification for the lime based mortar to be used for repointing shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

13. Before the commencement of works hereby approved, a drawing to show the areas to be repointed and a methodology for removing the existing pointing and specification for a lime based mortar to be used in the repointing works, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved details.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

14. All new leadwork shall be completed in conformity with the recommendations set down by the Lead Sheet Association in their most recent publication.

**Reason:** To safeguard the historic fabric and the architectural character and appearance of the building

15. The demolition of the external walls shall be carried out in such a way as to ensure that all external stones/bricks not at present irretrievably damaged or eroded are set aside and stored securely for re-use in the reconstruction of the building.

**Reason:** To ensure a satisfactory appearance upon completion of the development

16. All new rainwater goods and other external pipework are to be painted Cast iron and drawn details to scale 1:5 indicating section sizes and profiles of such goods are to be submitted and approved in writing with the Local Planning Authority prior to the commencement of works and the works thereafter shall be carried out accordingly.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed

Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

17. In addition to the submitted plans, before any work is commenced a scheme of external decoration including window and doors finishes, shall be submitted to and approved in writing by, the Local Planning Authority. This scheme shall be completed within one month of the work being otherwise substantially completed and shall thereafter be so retained.

**Reason:** To safeguard the historic fabric, architectural character and appearance of the listed building/structure

18. In addition to the submitted plans, before any work is commenced, a scheme of internal decoration and finishes to the Great Hall, the parlour, the solar and the lecture theatre, shall be submitted to and approved in writing by, the Local Planning Authority. This scheme shall be completed within one month of the work being otherwise substantially completed and shall thereafter be so retained.

**Reason:** To safeguard the historic fabric, architectural character and appearance of the listed building/structure

19. All raking out of mortar is to be carried out with hand tools and not with mechanical or power driven devices.

**Reason:** To ensure no damage occurs to the historic brickwork of the Listed structure under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

20. Written details and samples of any supplementary bricks proposed for the rebuilding of the section of the wall to the north elevation of the Agricola Quad, in addition to those reclaimed following the careful dismantling of the kitchen extension shall be submitted to and approved by the local planning authority prior to the commencement of works and the development thereafter is to be carried out in accordance with the approved materials.

**Reason:** In the interests of visual amenity, and to ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

21. Any hidden historic features revealed during the course of investigative or further works to the [walls] [floors] [ceilings] [fireplaces] shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and



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agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

22. Before the commencement of any works, details of the removal of the cork tiles and the making good of the underlying floor surface in the Great Hall shall be submitted to and approved by the LPA.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

23. Before the commencement of any works, details of the works proposed to remedy the damp ingress to all historic walls shall be submitted to and approved by the LPA

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

24. Before the commencement of any works, investigation into the method of attachment of the bookcases in the Great Hall and the details of their removal and making good, shall be submitted to and approved by the LPA.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

25. Before the commencement of any works, details of the internal and external pipes shall be submitted to and approved by the LPA

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

26. Prior to the commencement of any works, a detailed scheme for the reinstatement of the seven statues to the C17 staircase and the redecoration of the stairs and stairwell shall be submitted to and approved by the LPA. This information shall include a more detailed investigation into the scheme currently hidden under the C20 paint finish to the stairs and walls.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

27. Method for fixing shut and upgrading of any historic doors.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

28. Method and details of fire alarm/smoke detection/sprinkler system, to include details and locations and the upgrading of historic fabric such as walls, ceilings, floors and doors.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

29. Method statement for repair of panelling

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

30. Detailed recording of sample areas, to be agreed, of the North, West, Middle and Agricola Quads before any demolition takes place, to record typical details of features. This shall be updated should any earlier fabric be discovered during the demolition works.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

31. Full detailed recording of historic fabric uncovered in the Cloister Quad and Wheel Room.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

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32. Details of new gates

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

33. Details of ownership and access to wine cellar.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

34. Adaptations of windows for reasons of preventing overlooking

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

35. Details explaining future access to the gallery in the Great Hall

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

36. Scope and detail for a scheme for public access and future maintenance of the unconverted parts, including the Great Hall, staircase, parlour and lecture theatre.

**Reason:** To ensure that special regard is paid to the interests of protecting the special architectural and historic character detailing the integrity of the Listed Building under Section 16 of the Planning (Listed Building Conservation Areas) Act 1990.

### Note to Applicant

1. Working with the Applicant

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

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit and meetings with key stakeholders,
- was provided with pre-application advice,
- the application was not acceptable as submitted and further negotiations and assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The applicant/agent responded by submitting amended plans, which were found to be acceptable and planning permission was granted
- 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.

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<b>Application Number</b>	17/01888/AS
<b>Location</b>	Land North of Farley Close, Woodchurch Road, Shadoxhurst, Kent
<b>Grid Reference</b>	97209 38215
<b>Parish Council</b>	Shadoxhurst
<b>Ward</b>	Weald South
<b>Application Description Applicant</b>	The construction of 21 dwellings alongside associated parking, infrastructure, access and landscaping works.
<b>Agent</b>	Esquire Developments Ltd C/o Agent  Mr John Collins, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN
<b>Site Area</b>	1.10 hectares

1<sup>st</sup> Consultation

(a) 47 / 14R	(b) Parish Council R	(c) KH&T R, KCC(Drainage) R, KCC (Dev) X, EA -, EHM X , PO (Drainage) -, POS -, ABC (Housing) X, KCC (Bio) X, KCC (Heritage) X, KCC (PROW) X, SW X, KWT , RAM X, NE -, NHS -
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2<sup>nd</sup> Consultation

(a) 47/17R	(b) Parish Council -	(c) KH&T X, KCC(Drainage) X, KCC (Dev) -, EA -, EHM -, PO (Drainage) -, POS , ABC (Housing) -, KCC (Bio) X, KCC (Heritage) -, KCC (PROW) -, SW X, KWT -, RAM -, NE -, NHS X
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3<sup>rd</sup> Consultation

(a) 65/4R	(b) Parish Council -	(c) KH&T X, KCC(Drainage) X, PO (Drainage) -
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The Senior Planning Officer drew Members' attention to the Update Report and the amended layout plan which had been received.

In accordance with Procedure Rule 9.3, Mrs Trigg, a local resident, spoke in objection to the application. She said residents had made over 50 points of objection to this application, but only 5 of these had been addressed in the Officer's report. It was felt that residents' concerns had not been properly considered. In paragraph 43 of the Officer's report, it was stated that the existing foul water sewer had sufficient capacity to accept the predicted development flows, but there was no evidence for this. Residents were concerned that, with another 36 houses close by, there were no improvements being made at the moment. Following the destruction of trees, shrubs and vegetation in October, the wildlife had not been considered fully. The vegetation was growing back, and worms and butterflies had been seen. The requirement for a reptile fence by 1<sup>st</sup> June had not been complied with. Residents therefore asked for a proper ecological survey to be completed before this application was decided and a commitment from the landowner not to strim or work on the field again until the application was decided. There were too many houses, too close to the existing houses. This meant that the current residents were not protected, but were negatively affected. Mrs Trigg asked that the layout be reconsidered. Shadoxhurst was not as sustainable as previously. The hourly bus service through the village had been downgraded to a 2-hourly service. Basic public services like this were declining as the village population and need grew. With the various building sites in the village, residents were under siege. There was added noise and heavy-duty traffic in the village. This was the first of four applications, which would total 102 more houses. There were currently only 500 houses in the village. This development would remove yet another green space to urbanise Shadoxhurst even further. With all these questions, it would be wrong to decide to grant approval tonight. More work and research needed to be done. Mrs Trigg asked Members to defer this application, pending more information so that improvements could be made on the impact to current houses, the creaking sewage system and the wildlife.

In accordance with Procedure Rule 9.3, Mr Collins, the agent, spoke in support of the application. He clarified that one owner owned the red and blue land. It was correct that the blue land was not in control of the applicant. There had been a capacity check on the sewer and it had been established that there was capacity. The site was also cut back again about 2 – 3 weeks ago and the reptile fencing was only required if that had not taken place. Therefore, there was no requirement for the reptile fencing. The Officer's report was comprehensive, and went through all the issues carefully. Mr Collins drew Members' attention to the Council's emerging policy HOU5, and application 16/01841 immediately next door to this site meant that this site was surrounded on three sides by existing or proposed development. Officers had considered the criteria in HOU5 very carefully. An independent landscaper had commented on the applicant's behalf, and comments had been sought independently on behalf of the Council which concluded that the landscape was well contained. The development did have some impacts as it was a greenfield site, but these were not significant and should be considered in relation to other sites. The access was good, the site could drain well, the scheme had been amended a number of times and was

much improved from the original proposals due to the input from the Council. The success of the Council's emerging Plan depended on the success of policy HOU5 and finding good windfall sites. Mr Collins advocated this application and this site to Members as a good windfall site.

In accordance with Procedure Rule 9.3, Mr Ledger, on behalf of Shadoxhurst Parish Council, spoke in objection to the application. He referred to a number of photographs. The first showed a panoramic shot from 'The Hollies', looking out onto the garden. On the right the Jarvis Homes development of 12 houses could be seen, and on the left the end houses of Farley Close. The family living here would be affected on both sides by large developments. There were two sites across the road from them, with 5 houses and 19 houses respectively. There were now 36 houses under construction in this corner of the village. This totalled 62 new homes in the village since 2016, which was 12% growth. The 21 included in this proposal pushed the total to 83 extra houses. The village was contributing greatly to the Council's housing targets. The screening was unsatisfactory in the winter when all the leaves dropped and the boundary edges of the development needed further investigation. The third photograph showed Farley Close and on the left the back of the Woodchurch Road houses. These would be very heavily impacted and the high density of Affordable Homes would fit into this space close to all the existing houses. You could also see that reptiles had returned as no fencing was erected. 21 houses were too many. Reducing this number would give a better layout, and if the high density of Affordable Housing were moved further over, one or two of the larger houses could be placed here in the corner to give breathing space and reduce the impact on the existing residents, which had not been taken into full consideration. There could be more space given to wildlife mitigation, which currently was minimal considering the destruction last October. The Parish Council were not against new houses per se, but were requesting fewer houses, and asked that this design be reconsidered. Mr Ledger asked Members to defer so that the Local Plan and the main modifications could be fully considered and adopted. Mr Ledger asked Members to hold a site meeting to view the houses and the clear detriment to the amenity of the existing residents as well as the other building sites in relation to all the neighbours. The Parish Council had also suggested extra conditions, which were in their report, including white noise vehicle reversing warnings.

### **Resolved**

### **Refuse**

### **On the following grounds:-**

1. The proposal would be contrary to Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policies TRS1(b) and TRS17(g) of the Tenterden and Rural Sites DPD 2010 and Policies GP12 and HG3 of the Ashford Borough Local Plan 2000, and emerging Policies SP2, SP6, HOU5(a)(f) and ENV3a(g) of the Ashford Borough Local Plan 2030, and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance which are not

considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:

- a) When assessed against policy HOU5, the scale and quantity of the development proposed when taken cumulatively with other development planned for the settlement would represent a disproportionate amount of growth relative to the level of service provision currently available in the village, and would therefore represent unacceptable development that would have an adverse impact on sustainability contrary to criteria a) of the policy.
  - b) The proposed development by reason of its density, would represent an overdevelopment of the site. Together with the proposed layout and design, the scheme would result in a form of development that would fail to respond to the character of development immediately surrounding the site and therefore the proposal does not preserve or enhance the setting of the adjoining settlement to the detriment of visual amenity.
2. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Corse Strategy 2008 and emerging Local Plan to 2030 policies COM1 and COM2 the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:
- a) 35% of the units as affordable housing comprising.
  - b) a financial contribution towards strategic parks project, outdoor sports pitches, informal/natural green space project, play space project, cemetery project, health care infrastructure project, library bookstock, upgrade of public right of way project, and primary school infrastructure projects based on the yield of the housing mix. As set out in Table 1.



**Table 1****Land North of Farley Close, Woodchurch Road, Shadoxhurst, Heads of Terms for Section 106 Agreement**

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1	<p><b><u>Affordable Housing</u></b> Provide as close as possible to 35% of the units as affordable housing, comprising no less than 4 affordable rent units and no less than 3 shared ownership units in the locations and with the floorspace, wheelchair access ( at least one property), number of bedrooms and size of bedrooms as specified.</p> <p>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>	4 affordable rent units and 3 shared ownership units	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.
2	<p><b><u>Strategic Parks</u></b> Contributions towards the provision of seating at Conningbrook Lakes Country Park.</p>	£146 per C3 dwelling for capital costs. £47 per C3 dwelling for future maintenance	Upon occupation of 75% of the dwellings

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
3	<p><b><u>Outdoor Sports Pitches</u></b> Contribution towards the provision of a single mast exercise/activity net for the recreation ground at Hornash Lane and maintenance thereof.</p> <p>Contribution towards the acquisition of land adjacent to the existing recreation ground at Hornash Lane to extend the amount of land available for sports provision to meet increasing demands.</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
4	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Contribution towards provision of, or improvements to, the park furniture, pathways and parking facilities at the recreation ground at Hornash Lane and maintenance thereof.</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
5	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Contribution towards provision of, and/or improvements to, the play equipment (for all ages) at the recreation ground at Hornash Lane.</p>	<p>£649 per C3 dwelling for capital costs</p> <p>£663 per C3 dwelling for maintenance</p>	Before completion of 75% of the dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
6	<p><b><u>Cemeteries</u></b></p> <p>Contribution towards fencing, signage and maintenance of Shadoxhurst Church Cemetery.</p>	<p>£284 per C3 dwelling for capital costs</p> <p>£176 per C3 dwelling for maintenance</p>	<p>Before completion of 75% of the dwellings</p>
7	<p><b><u>Health Care Provision</u></b></p> <p>Contribution towards the extension, refurbishment and/or upgrade of Kingsnorth Medical Practice.</p>	<p>£360 per person, totalling £19,800 based on the following predicted occupancy rates:</p> <p>4 x 1 bed units at 1.4 persons.</p> <p>9 x 3 bed units at 2.8 persons.</p> <p>6 x 4 bed units at 3.5 persons.</p> <p>2 x 5 bed units at 4.8 persons.</p>	<p>Before completion of 75% of the dwellings</p>
8	<p><b><u>Library Bookstock</u></b></p> <p>Contribution towards the additional bookstock supplied to the mobile library service that attends Shadoxhurst.</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
9	<p><b><u>Primary Schools</u></b></p> <p>Contribution towards the expansion of Woodchurch Primary School.</p>	<p>£3,324 per C3 dwelling house</p> <p>£831 per C3 flat.</p>	<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>
10	<p><b><u>Upgrade public footpath AW326</u></b></p> <p>Contribution to enable the County Council to upgrade Footpath AW326 which immediately adjoins the western boundary of the application site.</p> <p>The condition of two sleeper bridges and stiles along footpath AW326 have deteriorated and need upgrading/replacing..</p>	<p>£1500</p>	<p>on occupation of 50% of the dwellings</p>
11	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>

**Notices** will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be **index linked** (normally

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
<p>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.</p>		

<b>Application Number</b>	17/00944/AS	
<b>Location</b>	Land at Orchard Farm, Canterbury Road, Kennington,	
<b>Grid Reference</b>	02793/44832	
<b>Ward</b>	Kennington	
<b>Application Description</b>	Outline application for the erection of up to 25 dwellings with associated access onto Canterbury Road. All matters reserved with the exception of the means of access onto Canterbury Road.	
<b>Applicant</b>	Orchard Farm Kennington Ltd	
<b>Agent</b>	Hobbs Parker Property Consultants	
<b>Site Area</b>	1.2 hectares	
(a) 37/52R, 1S, 1+	(b) -	(c) KCC Biodiversity – X, KCC PROW – X, KWT – X, CPRE – R, ABC Refuse – X, ABC EHM – X, EH - , EN – X, SW – X, KCC Arch – X, KCF – R, KCC SuDS – X, ABC – Drainage – X , KCC Education - X , KCC H&T – X, ABC OSS – X. ABC Housing – X.

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. An email had been received from the applicant with the land registry documents attached.

In accordance with Procedure Rule 9.3, Mr Baker, a local resident, spoke in objection to the application. He owned no 399 Canterbury Road, where he lived with his young family. His objections were in relation to their safety and the quality of life they could expect, should this application be approved. He asked that Members give more weight to the objections, given the potential direct impact this proposal would have on the lives of the local residents. The driveway to Orchard Farm ran between Mr Baker's property and his neighbours at no 387 and had an alleged width of 4.8m. Mr Baker argued that this was too narrow to support two-way traffic and he had been led to believe that a minimum width of 5.5m was recommended for the purpose of serving a small housing estate such as that proposed. The modern family vehicle measured on average 2.1m, with grocery and delivery courier vans measuring up to 2.3m. In addition to the safe width suggested by the Government, a pavement of 1.5m width should also be inserted. These calculations obviously did not equate to 4.8m. There would be nowhere for most vehicles to pass safely, with the only option being to reverse illegally back onto the main A28 road. The Government suggested that any private driveway of 40m or more must have a footpath. When planning was approved in 2002 for the construction of nos 399 and 387, it was done so with the driveway designed to support a maximum of five properties. Hence the layout and the design of the two properties, which had no direct access to the A28. All access to both properties by vehicles and pedestrians was granted by the driveway where the residents had right of way. However, this entry point was only 7m away from the junction with the A28. The entry and exit point on each side of the driveway would have major safety implications to the young family and neighbours. How could residents reverse their vehicles in and out of their homes? A distance of 20m should be in place for a driveway onto a road leading to a major road. As mentioned, there was no direct pedestrian access to the properties and residents were required to walk on the driveway to reach their property. With the volume of traffic generated by this proposed housing estate, the residents would become prisoners in their own homes. How was a young family supposed to leave the house with no footpath? The plan was devoid of any evaluation of the substantial impact it would have on the existing houses and Mr Baker asked Members to reject the proposals and for the landowner to go into the S2 proposal.

In accordance with Procedure Rule 9.3, Ms Scott, the agent, spoke in support of the application. This outline application for up to 25 dwellings formed part of the land of Orchard Farm. Access only was to be agreed at this stage, with all other matters reserved for consideration at the Reserved Matters stage. The land was supported by Officers to be identified for housing development as part of a proposed strategic housing site under policy S2 within the Local Plan 2030, which evidenced the fact that the Council had considered the principle of housing development in this location to be both sustainable and acceptable. The site lay adjacent to existing residential development in Canterbury Road and Orchard Lane and was very well related to existing services and facilities in the Kennington area. The current application related to only a small part of the wider 700 dwelling proposed policy S2 allocation area and was located at its northern tip. It benefitted from existing vehicular access onto

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Canterbury Road and would provide 25 dwellings. Bringing this small development forward at this stage would have no impact upon the remainder of this strategic site, which was to be accessed off Willesborough Road. Kent Highways had confirmed that the proposed access was suitable to accommodate 25 dwellings and had recommended conditions relating to implementation of improvements proposed as part of this application to Canterbury Road itself. Land Registry evidence had been provided, both to Kent Highways and Council Officers, confirming the required access width of 4.8m was entirely within the applicant's ownership and that sufficient vision splays could be provided to accommodate this small scheme in a safe manner. The application site itself fell outside the designated boundary for minerals safeguarding, but the adjacent land for the remainder of the S2 allocation lay within that boundary and had been exempted from extraction of minerals with a Statement of Common Ground provided to the recent EIP to this effect between Ashford Borough Council and Kent County Council. Usual contributions covering community and schools required as a direct result of the proposals would be made and Affordable Housing provision secured through a S106 agreement. Ms Scott requested that Members support the Officer's Recommendation to approve.

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

### **Resolved**

### **Refuse**

The proposal would be contrary to policies CS1, CS15 and CS18 of the Local Development Framework Core Strategy 2008, policy U24 of the Urban Sites and Infrastructure DPD 2012, emerging policies SP1, S2 and IMP1 of the Ashford Borough Local Plan 2030 (submission version 2017) and the National Planning Policy Framework, and would therefore represent development contrary to the interests of acknowledged planning importance for the following reasons:

- (a) The proposed access from Canterbury Road would be inadequate to serve the proposed development as well as serving as an emergency access for site S2 due to the width of the proposed access, lack of pedestrian footpaths and inadequate space for two vehicles to pass each other. This would result in a danger to pedestrian safety due to the conflict between the high number of cars using the road and the number of pedestrian movements.
- (b) The proposal would result in an unacceptable loss of amenity for the two adjoining residential properties by reason of the noise generated by traffic associated with the development.
- (c) As a result, the proposal should not be brought forward in isolation from the rest of site S2 for the above reasons.
- (d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

- (i) affordable housing
- (ii) primary schools
- (iii) secondary schools
- (iv) libraries
- (v) sports – outdoor pitches
- (vi) informal / natural project
- (vii) children’s and young people’s play project
- (viii) allotments provision
- (ix) strategic parks project
- (x) healthcare improvements at doctors’ surgery
- (xi) monitoring fee.

### **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>	18/00362/AS
<b>Location</b>	Venruth, Redbrook Street, Woodchurch, Ashford, TN26 3QU
<b>Grid Reference</b>	92158 /36928
<b>Parish Council</b>	High Halden
<b>Ward</b>	Weald Central
<b>Application Description Applicant</b>	Variation of condition 04 of planning permission 15/00223/AS to allow for a larger caravan on site Mrs Linda Lee
<b>Site Area</b>	0.28 hectares
(a) 8/8R	(b) High Halden - R (c) KCCE – X, WT R

The Head of Development Management advised Members that this application had been deferred on Officers' advice to allow more time for residents to comment on the application

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<b>Application Number</b>	18/00251/AS
<b>Location</b>	The Beeches, Ashford Road, Bethersden, Ashford, Kent TN26 3AS
<b>Grid Reference</b>	3122/9913
<b>Parish Council</b>	Bethersden
<b>Ward</b>	Weald Central
<b>Application Description</b>	Outline application for the provision of 4 detached 3 and 4-bed dwellings with garaging/car ports and amenity curtilages. Appearance, landscaping and Scale are reserved matters
<b>Applicant</b>	Mr K Cordrey, The Beeches, Ashford Road, Bethersden

**Agent** Mrs H Whithead, Price Whitehead Chartered Surveyors,  
Forstal Farm, Appledore Road, Tenterden TN30 7DF

**Site Area** 0.41ha

(a) 26/7R (b) S (c) KCC H&T X  
KCC Bio X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. A comment had been received from a neighbour, as well as a further letter of objection from a Bethersden Parish Councillor.

In accordance with Procedure Rule 9.3, Ms Whitehead, the agent, spoke in support of the application. She referred to a handout which had been provided to Members. She said no weight could be given to paragraph 14 in the Officer's Report because the Examiner had revealed that there were substantial grounds to challenge the validity of the Neighbourhood Plan. The proposed site was proven the most suitable for development in terms of good drainage, with no consequential impact on properties as reported to the Neighbourhood Plan Steering Group. The Beeches was not properly assessed in that process nor put to public vote. Instead, it was set aside and the village had no chance to select The Beeches over other sites. The Neighbourhood Plan was now being thoroughly questioned by the independent Examiner, especially criteria, methods used to select sites and the incorrect timing of the sustainability appraisal which did not inform the selection of sites. Substantial concerns from residents about the plan had been raised. Information relating to The Beeches was not made readily available to residents as to why the Steering Group rejected this site. The Beeches was available and deliverable without impacting upon infrastructure. The same could not be said for the sites selected in the unsound Neighbourhood Plan. This site was sound in terms of ecology and tree protection, as the Officer confirmed. The layout was spacious and reflected rural character as an infill and windfall site adhering with many adopted and emerging local policy criteria and clearly fitting the brief of NPPF paragraphs 14 and 49. The proposal would not impact on drainage as proven by the independent consultant, nor the amenity of or access to neighbouring dwellings or garages with Bailey Fields having back gates to these. The highway access was owned by the applicant and would be widened, benefitting existing neighbours. The site had excellent visibility. The Officer placed great emphasis on natural and built environment, including the need for development to respect the prevailing character which was considered ribbon. However, the layout was not discordant with other village forms, as pictures 1 and 2 demonstrated, where the confines in this part of Bethersden were variable and eclectic. The Officer's view was that the site was sustainable in terms of location but would be unsustainable from harm caused to the natural and built environment and thus contrary to planning policies. Ms Whitehead questioned where the harm was. It had been proven that the scheme was environmentally and ecologically sound and the village confine did not have a uniform edge. The report agreed that the site was sustainable. Pictures 3 and 4 demonstrated that the site had built forms on it. The nearest public right of way was shown in picture 5, which was not

close. Frame 6 showed images taken along that route, evidencing that the proposal would not be seen and would be well behind oak trees that provided a distinct edge. Emphasis was placed on the site lying outside rural confines, but the Council had allowed other village permissions which were outside confines and larger, such as the example shown in picture 7. Ms Whitehead asked Members to look at the proximity of the large scale industrial buildings nearby, ignore the weight given to the unsound Neighbourhood Plan and make a judgement whether the site sat comfortably within the village setting at Bethersden.

One of the Ward Members attended and spoke in support of the application, with caveats.

**Resolved:**

**Grant Outline Planning permission subject to the following conditions**

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

**Reason:** To comply with the provisions of Article 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.

- 2 (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.
- (B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

**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.

- 3 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.

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

- 4 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 Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management / signage

(f) Methods for protecting retained habitat, including measures for protecting the pond immediately to the south of the site but within the applicant's ownership.

**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.

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

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

- 6 Prior to commencement of the use, secure, covered cycle parking facilities shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority. If cycle parking is to be accommodated within garages or car ports, then these will need to be increased in size to ensure that there is sufficient space for a car and 3-4 bicycles. It is recommended that each property be provided with a garden shed for the purpose of cycle parking.

**Reason:** To promote sustainable transport use

- 7 Prior to the use of the site commencing, the following shall be provided and permanently retained

(a) the vehicle parking spaces shown on plan 020 DO3 Rev3 (It should be noted that garages do not count towards the required parking allocation, however car ports do. If garages are proposed then additional parking spaces will need to be provided on site to ensure that at least 2 parking spaces are available per dwelling) Due to this, the provision of car ports is recommended.

(b) Vehicle loading/unloading and turning facilities shown on plan 020 DO3 Rev3.

(c) Provision and maintenance of the visibility splays shown on plan 020 DO3 Rev3 with no obstructions over 0.9 metres above carriageway level within the splays.

(d) Use of a bound surface for at least the first 5 metres of the access from the edge of the highway, to prevent deposition of material on the carriageway.

(e) Completion and maintenance of the access shown on plan 020 D03 Rev3.

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

- 8 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In 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.

- 9 If works commence in or later than 2020 an updated bat scoping survey and (if necessary) emergence survey shall be carried out and submitted to the Local planning Authority for their approval in writing. The recommendations within the bat survey(s) shall be implemented as detailed within the reports prior to any works commencing on site.

**Reason:** In the interest of protected species on the site

- 10 The enhancement measures identified in para 4.16 of the Ecological Appraisal Report, to include generous native and local provenance planting, shall be implemented prior to the first use of the dwellings hereby approved and these measures shall be retained and maintained thereafter.

**Reason:** To enhance biodiversity.

- 11 Prior to commencement of the development, a precautionary Great Crested Newt (GCN) mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved strategy.

**Reason:** To minimise the potential impact on GCN during the works.

- 12 No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**Reason:** To protect roosting, foraging and commuting bats.

- 13 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b)

below shall have effect until the expiration of 5 years from the date of the occupation of the 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;
- 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.

- 14 Before any development above foundation level, details of the design of all gates, boundary walls and fences within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, B, C and E 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.

- 16 The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and external private space that complies with the Council's Residential Space and Layout SPD.

**Reason:** In the interest of the amenity of future occupiers.

- 17 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.

- 18 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.

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

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

## Notes to Applicant

- 1 Working with the Applicant

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

- offering a pre-application advice service,

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
  - was provided with pre-application advice,
- the applicant/agent was given the opportunity to speak to the committee and promote the application.

- 2    **INFORMATIVE:** 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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

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.



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<b>Application Number</b>	18/00345/AS	
<b>Location</b>	40A and 40B Boxley, Ashford, Kent TN23 4HQ	
<b>Grid Reference</b>	9706/1988	
<b>Parish Council</b>	South Ashford	
<b>Ward</b>	Victoria (Ashford)	
<b>Application Description</b>	Construction of two 3-bed semi-detached houses plus ancillary car parking (Resubmission of application 16/01245/AS).	
<b>Applicant</b>	Ashford Borough Council Civic Centre Tannery Lane Ashford Kent TN23 1PL	
<b>Agent</b>	RDA Consulting Architects Evegate Park Barn Evegate Smeeth, Ashford, Kent TN25 6SX	
<b>Site Area</b>		
(a) 23/-	(b) -	(c) KCC H&T X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report which summarised the reasons why the application was retrospective.

**Resolved:**

**Permit**

**Subject to the following Conditions and Notes:**

1. The area shown on plan ref. no. 16.154.201 P as vehicle parking spaces shall be retained available for use 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 so as to preclude vehicular access to these parking spaces facilities.

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

2. The landscaping scheme for the site shall be carried out fully within 12 months of the completion of the development in accordance with the details approved under application reference 16/01245/CONA/AS. 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.

3. The storage facilities for bicycles and refuse shall be provided, in accordance with details approved on drawing numbers 16.141-09 approved under application reference 16/01245/AS and 16.154.201 Rev P hereby approved before the use is commenced or the premises occupied, and shall be retained and maintained available for use by the occupiers of the premises thereafter.

**Reason:** To ensure the permanent retention of cycle parking in the interest of promoting sustainable modes of transport.

4. The boundary treatment shall be provided before the occupation of the dwellings, in accordance with details approved on drawing numbers 16.141-09 approved under application reference 16/01245/AS and 16.154.201 Rev P hereby approved and shall thereafter be maintained.

**Reason:** To ensure a satisfactory appearance upon completion and in the interest of amenity.

5. The drainage system approved under planning permission reference 16/01245/CONA/AS shall be provided and maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

**Reason:** In order to ensure the sustainable storage and disposal of surface water in accordance with Core Strategy Policy CS20.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A; of Part 1 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.

7. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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**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.

8. 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

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

<b>Application Number</b>	15/01282/AS	
<b>Location</b>	Land south of Elwick Road, Elwick Place, Elwick Road, Ashford, Kent, TN23 1NR	
<b>Grid Reference</b>	0074,4250	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwelling houses) uses and associated access arrangements (Phase 2) <b>(Description Amended)</b>	
<b>Applicant</b>	Stanhope plc c/o Agent	
<b>Agent</b>	Chloe Clark Savills Embassy House Queens Avenue Bristol BS8 1SB	
<b>Site Area</b>	0.8ha	
<b>First Consultation</b>		
(a) 428/ 1R	(b) –	(c) Chamber of Commerce S, KCC Heritage X, KCC F&W X, EHM X, NR X, EA X, NE X, KCC H&T R, SGN X, PO(Drainage) X, SW X, HS1 X, HSE X, SACF S, CACF R, KCC PROW X, KWT R

**Second Consultation**

- (a) 428/ 1R                      (b) –                      (c) KCC H&T X, PO(Drainage) X, SW X, SGN X, HS1 X, Stagecoach X, CACF R, SSOS X, KCC Economic X, KCC Bio X, KCC F&W X, KWT R, NR X, EHM X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report, which contained amendments and an additional condition.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites, or the Development Control Managers in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Management and Strategic Sites, or the Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions/obligations or deleting conditions/obligations) as they see fit.**

**Table 1**

**Heads of Terms for Section 106 Agreement** (N.B. "C3(+55)" means a C3 dwelling which is restricted to occupation by over-55s only under condition 46)

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	Public realm contribution for improvements/enhancement the public realm in the vicinity of the Beaver Road/Victoria Way junction and the Elwick Road/Station Road junction.	£24,000	On signing
2	Strategic Parks  Contribution towards upgrading hard and soft landscaping around the fountain, to allow for more use of the space.	£146 per C2, dwelling for capital costs.  £146 per C3 dwelling for capital costs.	Before occupation of 75% of the units in each block

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
		<p>£146 per C3 (+55) dwelling for capital costs.</p> <p>£47 per C2, dwelling for future maintenance</p> <p>£47 per C3 dwelling for future maintenance</p> <p>£47 per C3 (+55) dwelling for future maintenance</p>	
3	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards a new 4 team changing room pavilion at the SWAN Centre</p>	<p>£1589 per C2, dwelling for capital costs.</p> <p>£1589 per C3 dwelling for capital costs.</p> <p>£1589 per C3 (+55) dwelling for capital costs.</p> <p>£329 per C2, dwelling for future maintenance</p> <p>£329 per C3 dwelling for future maintenance</p> <p>£329 per C3 (+55) dwelling for future maintenance</p>	<p>Before completion of 75% of the units in each block</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
		General Building Cost Index <b>from Q3 2012</b>	
4	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Improvements to signs and interpretation for Victoria Park.</p>	<p>£434 per C2, dwelling for capital costs.</p> <p>£434 per C3 dwelling for capital costs.</p> <p>£434 per C3 (+55) dwelling for capital costs.</p> <p>£325 per C2, dwelling for future maintenance</p> <p>£325 per C3 dwelling for future maintenance</p> <p>£325 per C3 (+55) dwelling for future maintenance</p> <p>General Building Cost Index <b>from Q3 2012</b></p>	<p>Before completion of 75% of the units in each block</p>
5	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Contribution towards junior and toddler age play at</p>	<p>£649 per C3 dwelling for capital costs</p>	<p>Before completion of 75% of the units in each block</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	Victoria Park, towards play equipment and features to allow for swinging, sliding, climbing, ball and wheeled play.	£663 per C3 dwelling for maintenance  General Building Cost Index <b>from Q3 2012</b>	
6	<b><u>Allotments</u></b>  Contribution towards access and security improvements to South and East Ashford allotments: Musgrove, Jemmett, Christchurch, William, Henwood, Orion and Gas House Fields.	£258 per C2, dwelling for capital costs.  £258 per C3 dwelling for capital costs.  £258 per C3 (+55) dwelling for capital costs.  £66 per C2, dwelling for future maintenance  £66 per C3 dwelling for future maintenance  £66 per C3 (+55) dwelling for future maintenance  General Building Cost Index <b>from Q3 2012</b>	Before completion of 75% of the units in each block
7	<b><u>Library Bookstock</u></b>		



<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	Contribution towards the Ashford Gateway reconfiguration	£ 208.93 per dwelling  <b>Indexed BCIS General Building Cost Index from October 2016</b>	Before occupation of 50% of the units in each block
8	<b><u>Adult Social Services</u></b>  Contribution towards a changing Place Facility in new Cinema complex adjoining	£ 47.06 per dwelling  <b>Indexed BCIS General Building Cost Index from October 2016</b>	Before occupation of 50% of the units in each block
9	<b><u>Youth Services</u></b>  Contribution towards Ashford North Youth Centre expansion	£ 26.89 per C3 dwelling  <b>Indexed BCIS General Building Cost Index from October 2016</b>	Before occupation of 50% of the units in each block
10	<b><u>Community Learning</u></b>  Towards additional IT equipment to mitigate the impact of the additional	£ 34.45 per dwelling	Before occupation of 50% of the units in each

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	learners from this development	<b>Indexed BCIS General Building Cost Index from October 2016</b>	block
11	<b><u>Healthcare Provision</u></b>  Contribution towards the construction and/or equipping of Primary Care premises project within the Growth Area	£517.50 per dwelling	Before occupation of 25% 50% of the units in each block
12	<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
<p><b>Notices</b> will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be <b>index linked</b> (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.</p>			

**(B) Permit**

Subject to the following conditions and notes:

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## Standard Time and Compliance

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

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

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

**Reason:** To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 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.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

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

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

## **Materials and Detailing**

5. All applications for the approval of Reserved Matters (appearance) pursuant to condition 01 shall include sufficient details of materials including samples of bricks, tiles and cladding materials to be used externally to allow proper consideration of the external appearance of the development.

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

6. Prior to the commencement of the development hereby approved details of materials including source/manufactures and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out only using the approved external materials unless otherwise agreed in writing by the Local Planning Authority.

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

7. All applications for the approval of Reserved Matters (external appearance) pursuant to condition 01 shall include the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-
- full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
  - 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
  - 1:100 elevation detailing the locations of all expansion joints in facades.
  - details of any plant or machinery proposed on the roof and associated screens,
  - details of any satellite dishes or antenna,
  - details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
  - details of vents, louvres, extractor vents, external pipes, meters etc.
  - details of screens and windbreaks,

- 
- 1:50 scale details of the parapet capping,
  - details of external entrance steps, handrails and balustrades

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

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

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

9. All applications for the approval of Reserved Matters (Layout and External Appearance) pursuant to condition 01 shall include details of the proposed external storage areas including location and type of enclosure thereafter the storage area shall be carried out in accordance with the approved details prior to first occupation and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to protect the visual amenities of the locality.

10. Prior to the commencement of the development details of external lighting scheme shall be submitted to and approved by the Local Planning Authority in writing. The approved scheme shall thereafter be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

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

### Highways

11. Prior to the commencement of any development hereby approved precise details of the proposed access into the site shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the details shall be implemented in accordance with the approved details, unless otherwise agreed in writing. The details shall specify paving, construction and detailing to match the appearance of the existing vehicle crossover into Gasworks Lane.

**Reason:** In the interests of ensuring a consistent, cohesive and high quality street and public realm which prioritises pedestrians and in order to off-set the loss of the existing street tree and lamp column.

12. The lamp column to be removed to facilitate the access into the site shall be removed and returned to Kent County Council Highways and Transportation.

**Reason:** In the interests of the visual amenity of the site allowing the lamp to replace existing lamp posts in Elwick Road should they become damaged.

13. Prior to the commencement of the development hereby approved details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall included the following:
- (a) Routing of construction and delivery vehicles to / from site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management / signage
  - (f) onsite vehicle movements and parking
  - (g) safeguarding of buried services
  - (h) temporary drainage measures;
  - (i) location and height of spoil stockpiles
  - (j) storage of combustible/hazardous materials
  - (k) position and operation of cranes
  - (l) site access
  - (m) onsite vehicle routes and movements
  - (n) types of vehicles
  - (o) number and frequency of such movements
  - (p) vehicle containment to be provided to protect HighSpeed1 against the risk of vehicle incursion.

Thereafter the approved details shall be implemented and maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of high way safety.

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14. Prior to the commencement of any development details of measures to prevent the discharge of surface water from the new access onto the public highway shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the approved details shall be implemented and maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of high way safety.

15. The approved vehicle parking spaces to be submitted pursuant to condition 01 shall be provided prior to the first occupation of the development hereby approved. Thereafter the spaces shall be retained available for use and access thereto shall not be precluded unless otherwise agreed in writing by the local planning Authority.

**Reason:** In the interests of high way safety.

16. All applications for the approval of Reserved Matters (Layout and Appearance) pursuant to condition 01 shall include details of the bicycle storage facilities showing a covered and secure space. The approved bicycle storage shall be completed prior to the first 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. P006

17. The gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

**Reason:** In the interests of high way safety.

18. Prior to the first occupation of the development hereby approved the visibility splays shown on plans 1411–06 MP08 shall be provided with no obstructions over 0.6 metres above carriageway level within the splays thereafter the visibility splays shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of high way safety.

19. Before the first occupation of the development hereby approved the following works between the development and the adopted highway shall be completed as follows:

- A. Footways and/or footpaths shall be completed to the wearing course;
- B. Carriageways completed to the wearing course, including the provision of any turning facility together with related:

1. highway drainage, including off-site works,
2. street lighting, street nameplates and highway structures if any.

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

### **High Speed One**

20. All applications for the approval of Reserved Matters (Layout, appearance, scale and Landscaping, pursuant to condition 01 shall include written evidence to the LPA that a formal process of approvals between the applicant and HS1 has been entered into and commenced. The approvals process shall accord with the processes set out in the Network Rail (High Speed) Outside Parties Development Handbook Document Reference C/05/OP/32/3002.

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

### **Biodiversity and Ecology**

21. All applications for the approval of Reserved Matters (Layout, Appearance and Landscaping) pursuant to condition 01 shall specify how the ecological mitigation detailed within paragraphs 5.6, 5.9, 5.11, 5.14 and 5.15 (Preliminary Ecological Appraisal, February 2018, Waterman) for roosting bats and breeding birds have been incorporated into development. Thereafter the approved details shall be implemented in accordance with the approved details.

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

### **Surface Water and Drainage**

22. All applications for the approval of Reserved Matters (Layout) pursuant to condition 01 shall include a detailed sustainable surface water drainage scheme for the site. 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 100 year storm) can be accommodated and disposed of, alongside meeting the requirements of Ashford Borough Council SPD and not increasing 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. Thereafter the approved scheme shall be implemented and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not



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exacerbate the risk of on/off site flooding. These details and accompanying 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.

23. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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 drainage scheme as approved shall subsequently be maintained in accordance with these details.

**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.

24. Prior to the commencement of any development hereby approved details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved by the Local Planning Authority in writing in consultation with Southern Water and shall be installed in accordance with the approved details before the development is occupied.

**Reason:** In the interests of providing sewerage disposal for the development

### **Contamination**

25. Prior to the commencement of the development hereby approved a remediation strategy that includes the following components to deal with the risks associated

with contamination of the site shall be submitted to and approved by the Local Planning Authority in writing:

- a. Based on the results of the Waterman Geo-Environmental Assessment report site investigation and the detailed risk assessment, an options appraisal and remediation strategy giving full details of the remediation measures required, including the design has incorporated into of the development to manage potential pollutant linkages and how they are to be undertaken.
- b. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Thereafter the approved scheme shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

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

26. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

**Reason:** To prevent pollution of controlled waters and comply with the NPPF.

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

**Reason:** To prevent pollution of controlled waters and comply with the NPPF.

28. No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the local planning authority, which

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may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To prevent pollution of controlled waters and comply with the NPPF.

29. Prior to the commencement of the development hereby approved details of foundation design and evidence demonstrating that penetrative methods would not result an unacceptable risk to groundwater shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.

**Reason:** Piling using penetrative methods can result in risks to potable supplies from, for example, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

30. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

### **Environmental Health**

31. All applications for the approval of Reserved Matters pursuant to condition 01 shall include a scheme for protecting the dwellings hereby approved from noise from road, rail, plant. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

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

32. Prior to the commencement of the development hereby approved details of a dust management plan for the construction phase shall be submitted to an

approved in writing by the Local Planning Authority in writing. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that appropriate measures are put in place during construction to mitigate the impact of dust arising from construction works on local air quality.

### **Protection of Gas Main**

33. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. NEEDS A REASON

### **Archaeology**

34. 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 and shall be implemented as approved.

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

35. Within 3 months of the completion of the archaeological works as approved in condition 5 above a report containing details of the final archaeological recording work and the archaeological work report from the appointed archaeological contractor shall be submitted to and approved by the Local Planning Authority in writing.

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

### **Sustainable development**

36. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority;—
- (a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including the provision of a car club facility, and

- (b) the location and number of electric vehicle charging points to be made available for the use of residents/any car club facility serving residents.

Thereafter, the approved details shall be implemented in accordance with the approved details and retained available for use unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To help provide enhanced movement choice for residents for occasional non-local journeys and to help reduce the need for car ownership by scheme residents. To help reduce pollution by encouraging the use of electric vehicles through incorporating on-site measures enabling vehicle recharging

37. No dwelling shall be occupied, until it has been constructed and fitted out to ensure 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, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted 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.

### **Tree removal**

38. All vegetation removal shall be undertaken outside the bird breeding season (i.e. September to February inclusive), wherever possible. If it is necessary to undertake clearance during the bird breeding season an ecologist should inspect any vegetation to be removed within 24 hours prior to the clearance. If an occupied nest is detected, a buffer zone (typically 5m) should be created around the nest, and clearance of this area delayed until the young have fledged.

**Reason:** To protect breeding birds and their chicks ensure that protected and important species are adequately provided for as part of the proposed development mitigation and in the interests of biodiversity and habitat protection and enhancement.

39. Removal of trees T5, T6, T7 & T8, as identified in the Arboricultural Survey Report (Waterman, July 2015), shall be carried out using soft felling techniques. Should any bats be discovered during the soft-felling of trees, works should stop immediately and an ecologist should inform the Local Planning Authority and submit in writing a mitigation strategy to be approved by the Local Planning Authority in writing. All works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure that protected and important species are adequately provided for as part of the proposed development mitigation and in the interests of biodiversity and habitat protection and enhancement.

### **Construction management**

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

The code shall include:

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

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- The location of temporary vehicle access points to the site(s) during the construction works
  - The arrangements for public consultation and liaison during the construction works
  - details showing the location of the proposed site compound and lorry routing to and from the M20
  - Routing of construction and delivery vehicles to / from site
  - Parking and turning areas for construction and delivery vehicles and site personnel
  - Timing of deliveries
  - Temporary traffic management / signage
  - Safeguarding of buried services
  - Location and height of spoil stockpiles
  - Storage of combustible/hazardous materials
  - Position and operation of cranes
  - Onsite vehicle routes and movements
  - Types of vehicles accessing the site and number and frequency of such movements
  - Vehicle containment to be provided to protect HighSpeed1 against the risk of vehicle incursion.

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

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

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

## Landscaping

42. All applications for the approval of Reserved Matters (Landscaping) pursuant to condition 01 shall include a hard surfacing materials; minor artefacts and structures (e.g. furniture, 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); details of the car parking wall capping and cleaning. The approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which die within a period of five years from the completion of the development, 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

43. Prior to the commencement of any development hereby approved a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules minimum period of 5 years for all landscape areas, 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.

44. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

## Restrictions

45. Without the prior written consent of the Local Planning Authority:
- Notwithstanding the provisions of Parts 2 a - f, 14 a – d , 16 a - c, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-



enacting that Order), no development permitted by those parts shall be carried out

- No fixtures shall be attached to the exterior of the building
- No structures shall be placed or installed on the roof of the building

**Reason:** In the interests of protecting the character, appearance and visual amenity of the important entrance to Ashford.

46. All applications for the approval of Reserved Matters (Layout and External appearance) pursuant to condition 01 shall specify the exact mix and proportion of units in Use Classes C2, C3 and C3 (restricted to occupation by 55 year olds and over) to be provided within the development and shall identify on floor plans each unit and its intended use within one of these three categories. Thereafter the development shall be carried out and occupied only in accordance with the approved details and shall be so maintained in perpetuity with no changes of use without the prior written approval of the Local Planning Authority notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) or the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** To ensure that the contributions towards infrastructure required by units in each Use Class are appropriately secured and to ensure that the vitality and vibrancy of the Town Centre are protected.

#### **Fibre to the Premises**

47. Prior to the commencement of the development hereby approved plans and particulars for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

48. No fewer than 60% of residential units hereby permitted shall be occupied at any time other than as dwelling houses within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987.

**Reason:** In the interests of securing an appropriate mix of uses to support the vitality and vibrancy of the town centre

49. The residential units permitted for occupation within Use Class C2 shall be provided as independent residential accommodation to people in need of care within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 only. The Use Class C2 development shall not be occupied at any time as a hospital, nursing home, residential school, college or training centre within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987.

**Reason:** In the interests of securing an appropriate mix of uses to support the vitality and vibrancy of the town centre.

### Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. The applicants attention is drawn to the advice of the Environment Agency comments dated 29 October 2015
3. The Developer shall enter into discussions with HS1 and their Engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property.

Contact:

HS1 Ltd

5th Floor, Kings Place, 90 York Way, London, N1 9AG  
safeguarding@highspeed1.co.uk

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,

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
  - was provided with pre-application advice,
  - the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
  - The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
  - The application was dealt with/approved without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
5. 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.
  6. 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.
  7. 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 <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
  8. 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.

9. The developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery. The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1.
10. The developer is reminded of his obligation to ensure appropriate mitigations are adopted to protect the development from noise from HighSpeed1. The developer is responsible for ensuring that the development meets statutory requirements.
11. The applicant is reminded that a 5m wide maintenance strip exists alongside the HighSpeed1 fence. No development or planting should take place within this strip. Access to this strip is required across the site. The maintenance strip has been specifically provided to allow for safe and adequate maintenance of HighSpeed1 and is allowed for in the sale/transfer of land agreement.
12. HS1 may require the applicant to pay the costs incurred by HS1 and Network Rail (High Speed) in reviewing and approving the development. Costs to be incurred from a development reside with the developer.
13. 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). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
14. Initial investigations indicate that there is insufficient information currently available to confirm if surface water sewer capacity is available to serve the proposed development. Further investigation of the downstream sewerage network is required to confirm the downstream sewerage details to assess capacity.
15. Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
  - Specify the responsibilities of each party for the implementation of the

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SUDS scheme

- Specify a timetable for implementation
  - Provide a management and maintenance plan for the lifetime of the development.
16. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
17. It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order
- a Adequate soakaway or infiltration system
  - b Water course
  - c Where neither of the above is practicable sewer
18. Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.
19. Submitted drainage strategy indicates use of perforated pipes for surface water disposal which would not be acceptable to Southern Water. The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.
20. This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
21. Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

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22. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.
23. You should, where required confirm the position using hand dug trial holes.
24. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.
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<b>Application Number</b>	17/01896/AS	
<b>Location</b>	Garage blocks between 16 and 17 and Grass area in front of 7 and 8, The Weavers, Biddenden, Kent	
<b>Grid Reference</b>	85289/38515	
<b>Parish Council</b>	Biddenden	
<b>Ward</b>	Biddenden	
<b>Application Description</b>	Construction of two chalet bungalows with associated parking: amendment to planning permission 15/01073/AS	
<b>Applicant</b>	Mr Giles Holloway, Development & Regeneration Manager, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
<b>Agent</b>	Mr Michael Head, RDA Consulting Architects, Evegate Park Barn Evegate, Smeeth, Kent, TN25 6SX	
<b>Site Area</b>	0.16ha	
(a) 7/1R	(b) Biddenden S	(c) ESM X, KCC H&T -

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**Resolved:****Permit**

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 hereby approved shall be carried out in accordance with the materials approved under application 15/01073/CONA/AS unless otherwise agreed in writing but the local planning authority.

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

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

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

4. The area shown on drawing numbers 163163.03P3 and ABC1001\_1010 as vehicle parking space shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority 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

5. Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**Reason:** In 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.

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

7. 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.

8. 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 before the commencement of development and such approved works shall be appropriately retained and maintained.

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

9. The development hereby approved shall be carried out in accordance with the land contamination remediation scheme approved under application 15/01073/CONA/AS unless otherwise agreed in writing but the local planning authority.

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

10. Prior to the first occupation of the development hereby permitted the approved remediation scheme shall be fully implemented and a Certificate shall be provided to the Local Planning Authority by a suitably qualified or otherwise



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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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-E of Part 1 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.

12. No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday, Public and Bank Holiday.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as a single dwelling house 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.

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

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction
- (b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

- (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

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

15. 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.

16. 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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