

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18th July 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Bradford, Buchanan, Chilton, Clarkson (ex officio), Clokie, Dehnel, Galpin, Heyes, Hicks, Knowles, Krause, Shorter, Smith, Waters.

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

### Apologies:

Cllrs. MacPherson, Ovenden, Wedgbury.

### Also Present:

Cllrs. Howard-Smith (left the Council Chamber for application 18/00724/AS), Miss Martin, Michael, Pickering.

Head of Development Management and Strategic Sites; Principal Strategic Sites Planner & Urban Designer, Director of Place and Space, Head of Planning and Development, Environmental Protection & Licensing Team Leader, Principal Transport and Development Planner (Kent County Council Highways and Transportation); Principal Solicitor (Strategic Development); Member Services Officer.

## 104 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	
Buchanan	Declared that he was the Chairman of the Bockhanger, Bybrook and South Ashford Advisory Committee and the Ward Member. He would speak as Ward Member and then leave the Chamber for the discussion, which he did.	107 - 18/00765/AS

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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.	
Galpin	Declared that as the Portfolio Holder for Corporate Property he had had some dealings with the matter. He would speak as Portfolio Holder and then leave the Chamber for the discussion, which he did.	107 - 18/00765/AS
Howard-Smith	Declared that he was a Member of the Bockhanger, Bybook and South Ashford Advisory Committee. He would speak as the Adjacent Ward Member and then leave the Chamber for the vote, which he did.	107 - 18/00765/AS
Link	Made a Voluntary Announcement as he knew one of the objectors to the application, however they were not a close personal friend.	107 - 18/00362/AS
Shorter	Made a Voluntary Announcement as he knew the land owner, however they were not a close personal friend.	107 - 18/00483/AS

## 105 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> June 2018 be approved and confirmed as a correct record.**

## 106 Requests for Deferral/Withdrawal

The Head of Development Management and Strategic Sites requested that application 18/00125/AS – Oakwood Cottage, Etchden Road, Bethersden be deferred in order to allow the applicants to submit further information. This was agreed.

## **107 Schedule of Applications**

**Resolved:**

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

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

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

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

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<b>Application Number</b>	18/00413/AS
<b>Location</b>	Land at Lenacre Hall Farm, Sandyhurst Lane, Boughton Aluph, Kent
<b>Grid Reference</b>	00953/45875
<b>Parish Council</b>	Boughton Aluph and Eastwell
<b>Ward</b>	Boughton Aluph and Eastwell
<b>Application Description Applicant</b>	The development of 21 new residential dwellings, access, drainage, car and cycle parking and landscaping. Millward Designer Homes Limited, c/o Agent.
<b>Agent</b>	ECE Planning Limited, Brooklyn Chambers, 11 Goring Road, Worthing, BN12 4AP
<b>Site Area</b>	1.48 hectares
(a) 197/113R, 2S	(b) Boughton Aluph PC – R, Westwell PC - R
	(c) KHS – X, EHM – X, KCC SuDS – X, KCC Biodiversity 0 X, KWT – R, SWS – X, EA – X , ABC Drainage – X KCC Education – X, ABC Housing X, Kent Police – X

In accordance with Procedure Rule 9.3 Mr Biggs, a local resident, attended and spoke in objection to the application. He advised that he was representing the Sandyhurst Lane Residents Association (SLRA) which had been in existence for over 30 years and represented the collective views of residents. The area was home to 340 dwellings with over 700 residents and was covered by 3 Borough Wards. Following the boundary review the area would be solely within the Downs West Ward post 2019 elections. SLRA represented a cohesive rural community with aims to protect the rural setting of Sandyhurst Lane. Drawing attention to figure 2 contained within the committee report, Mr Biggs highlighted the location of the site and the landscape buffer that existed between Sandyhurst Lane and Bockhanger. This was an important demarcation and was noted in the draft Local Plan 2030. Paragraph 30 of the report highlighted those policies contained within the draft Local Plan that were relevant to this site. The site was 375m from the AONB and the outstanding application for more dwellings bordered Lenacre Street. He urged the Committee to consider the impact that this application and the one outstanding would have on the unique setting of Sandyhurst Lane. Paragraph 41 of the report summarised the Local Plan Inspectors' conclusions on Housing Land Supply, with the Inspectors noting Ashford had a five year land supply. This site was not allocated within the Local Plan and the Inspectors had also excluded site S47. SLRA would continue to fight opportunistic and over enthusiastic development of

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Sandyhurst Lane and Mr Biggs urged the Committee to refuse the application before them.

In accordance with Procedure Rule 9.3 Mr Sykes, on behalf of the Agent, spoke in support of the application. He advised the Committee that the application before them was for 21 high quality dwellings on the urban edge of Ashford. The Officers recommendation to permit the scheme was welcomed. The application site was a small parcel of land and positive discussions had been held with Officers. This site would be counted as a windfall site and significant weight was given to this in the report. It passed all of the criteria tests and was acceptable in planning terms. The Parish Council had some objections to the scheme and he drew attention to the surveys that had been undertaken for the emerging Neighbourhood Plan. The Neighbourhood Plan had not made any housing allocations and it should be noted that the Local Plan policy on windfall sites would take precedence over this. Such sites were vital in ensuring the Council met its Five Year Housing Land Supply. Millwood Designer Homes was an award winning house builder with an established reputation in the South East. In the making of the application they had been mindful to the character of Sandyhurst Lane and had made provision for high quality landscaping on the site. Millwood were not a typical volume house builder. The proposal was for 21 well designed homes, 8 of which would be affordable and provide a significant benefit to the local community. No objections had been received from the statutory stakeholders. Officers had deemed the application to be entirely acceptable and he hoped that the Committee would look favourably on it.

In accordance with Procedure Rule 9.3 Mr Bunker from Boughton Aluph and Eastwell Parish Council spoke in objection to the application. He wished to highlight the reasons the Parish Council objected to the application and the large number of residents in attendance at the meeting demonstrated that this application was opposed and unacceptable. A comprehensive survey had been undertaken which had shown that 75% of respondents were opposed to development at the Lenacre Hall Farm site. The results of this survey deserved to be given attention and weight. Every dwelling in the Parish had been invited to take part in this survey. It was clear that this proposal would result in development encroaching into the countryside and would alter the rural/urban boundary. This was not NIMBYism, this was genuine concern from residents in both the rural and urban area regarding the effect that this proposal would have on the unique setting of Sandyhurst Lane. Between 2001 and 2011 the Parish had the highest percentage increase in population in the County and with the allocation of S20 in the Local Plan 2030 more would occur. There were principled reasons for objecting to this proposal, this was not a knee jerk reaction. In particular the development would breach the rural/urban boundary and significantly alter the shape of Ashford and Sandyhurst Lane. If this boundary were compromised this would set a precedent. This development was not necessary for the Councils 5 year housing target. Mr Bunker urged the Committee to reject the proposal.

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

**Resolved:**

## Refused

On the following grounds:-

1. The proposal would be contrary to Policies CS1, CS4, CS9, CS15 and CS18 of the Local Development Framework Core Strategy 2008, Policies TRS17, TRS18 and TRS19 of the Tenterden and Rural Sites DPD 2010 and Policies GP12, EN10 and EN27 of the Ashford Borough Local Plan 2000, and emerging Policies SP1, SP2, SP6, HOU5, ENV3a and ENV5 of the Ashford Borough Local Plan 2030 (submission version), and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance and a form of unsustainable development, and this is not considered to be outweighed by the benefits of the development cited by the applicant, for the following reasons:
    - (a) The location of development proposed lying outside the established settlement edge together with its scale would have a significant adverse urbanising impact on the open countryside, out of character with the adjoining rural settlement character. The development would therefore be unacceptably harmful to the visual amenity of the area.
    - (b) The development would be unsustainable in transport terms as there are no day-to-day facilities within easy walking distance of the site leading to the need for all journeys to access such facilities being made by car.
    - (c) The development would not conserve and enhance the natural environment and would lead to an unacceptable loss of habitat.
    - (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:
      - affordable housing
      - primary school expansion
      - secondary school improvement
      - libraries
      - sports – outdoor pitches
      - informal/natural space project
      - children’s and young people’s play project
      - allotments provision
      - strategic parks project
      - healthcare improvements
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<b>Application Number</b>	18/00098/AS	
<b>Location</b>	Waterbrook Park, Waterbrook Avenue, Sevington	
<b>Grid Reference</b>	03385/40119	
<b>Parish Council</b>	Mersham & Sevington	
<b>Ward</b>	Weald East	
<b>Application Description</b>	<p>Hybrid planning application for mixed-use development comprising (1) Application for full planning permission for the construction and operation of a 600-space truck stop; a 2,162 sqm GIA service building providing 1,734 sqm GIA of ancillary truck stop service facilities and 878 sqm GIA of B1 offices; buildings providing 6,308 sqm GIA B1 (b and c only), B2 and B8 floorspace for small and medium enterprises; associated access, parking and landscaping, including highway infrastructure works to Waterbrook Avenue and (2) Application for outline planning permission (with all matters reserved) for 8.9ha of employment uses comprising uses falling within use classes B1, B2 and B8, a class A1 superstore of up to 2,323 sqm, drive-through restaurants (use classes A3/A5), a petrol filling station and ancillary convenience store, and car showrooms (sui generis); and up to 400 residential dwellings, with class A1, A3 and A5 neighbourhood retail uses, associated drainage, parking, landscaping and infrastructure</p>	
<b>Applicant</b>	GSE Waterbrook Ltd & Cedarvale and C.C. Projects (trading as Ashford Great Park)	
<b>Agent</b>	DHA Planning Ltd, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
<b>Site Area</b>	65.84ha	
	(a) 541 / 10 X/S, 5 R	(b) R
		(c) ABC (Cultural) X, ABC Env. Protection X, ABC P. Office (Drainage) X, ABC (Parking) X, SW X, EX Z, Pol X, KCC Growth, Env & Tpt. R, KCC (Minerals & Waste) X, KCCom S, HSE X, KCC (Heritage) X, NE X, NR X, KWT X, NE X, CCG X, HE X, KCC Flooding X,



for the Council to determine the application, or not responded within the period set out in the Circular, and

- (C) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she sees fit,

**Table 1**

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
1.	<p><b>Affordable Housing (on site)</b></p> <p>Provide not less than 30% of the units as affordable housing</p>	<p>Provide on-site not less than 30% of the units as affordable housing on a 400 (units rounded up) =120 units.</p> <p>comprising 33 % Affordable Social rent units and 66% Affordable Home ownership products (including a minimum half of which is Shared Ownership) and 4 wheelchair adaptable homes</p> <p>number of bedrooms and size of bedrooms to be specified. The affordable housing shall be managed by a registered</p>	<p>Provide on-site not less than 10% of the units as affordable housing on a 400 (units rounded up) =40 units</p> <p>Breakdown to be agreed at Reserved Matters Stage</p> <p>Contribution towards the provision of off-site affordable housing in lieu of further on-site provision above 10% contribution to be agreed.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings</p> <p>Deferred: payable if sale values rise in accordance with the viability reviews. Deferred Contributions received, as determined by Officers under delegated powers</p>

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
		<p>provider of social housing approved by the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement</p> <p>Breakdown of size to be agreed at Reserved Matters Stage</p>	Deferred contribution payable if Viability reviews justify it.	
2.	<p><b>Primary Schools</b></p> <p>Contribution towards a New 2FE Primary School at Kennington/ Willesborough</p>	£2,500 per dwelling	<p>Pay regardless up to £1,000,000</p> <p>The remainder payable if sales values rise in accordance with the viability reviews below as determined by Officers under delegated powers</p>	<p>Pay Regardless</p> <p>First 25% of the sum on 25% of homes occupied with the reminder on each 25% occupation thereafter</p> <p>Any deferred Contributions received, as determined by</p>

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
				Officers under delegated powers
3.	<p><b>Secondary Schools</b> Contribution towards the Phase 1 Norton Knatchbull School expansion</p>	£2,000 per dwelling	<p>Pay regardless up to £800,000</p> <p>The remainder payable if sales values rise in accordance with the viability review below as determined by Officers under delegated powers</p>	<p>Pay Regardless</p> <p>First 25% of the sum on 25% of homes occupied with the reminder on each 25% thereafter.</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</p>
4.	<p><b>Junction 10A</b> Contribution towards construction of junction 10A of the M20</p> <p>To be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p>	Based on a total of 9.5 Development units(DUs) contribution for the development	<p>Pay regardless a total of £3,135,000</p> <p>The remainder payable if viability improves as a result of the viability reviews below as determined by Officers under delegated powers</p>	<p>Section 278 agreement to be completed before the grant of planning permission.</p> <p>Payment of the contribution as per the section 278 agreement</p> <p>Any deferred Contributions received, as determined by Officers under</p>

<b>Planning Obligation</b>				
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				delegated powers
5.	<p><b>Local primary and community health service.</b></p> <p>Contribution towards the Willesborough Health Centre (or its successor organisation) and/or Local Care Centre hub that provides enhanced primary care for the patients registered at Willesborough Health Centre.</p>	£850 per dwelling	<p>pay regardless up to £340,000</p> <p>Deferred contribution to be calculated on total occupancy rate per Dwelling.</p> <p>Deferred contribution payable if viability improves in accordance with the below as determined by Officers under delegated powers</p>	<p>First 25% of the sum on 25% of homes occupied with the reminder on each 25% thereafter.</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</p>
6.	<p><b>Romney Marsh roundabout</b></p> <p>Payment towards improvements that are a direct result of the impact of the scheme on the Romney Marsh roundabout</p>	£ 1,000,000	Paid regardless	Pay Regardless Upon occupation of 75% of the dwellings or on 1/3/22 if later

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
7.	<p><b>Informal/natural Green Space</b></p> <p>On site provision of 1.93 hectares of useable space in accordance with the Green Spaces and Water Environment SPD</p>	<p>On basis of 400 dwellings, a minimum of 1.93 hectare of informal public open space to value of</p> <p>£362 per dwelling for capital costs</p>	<p>Provided regardless in relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</p>	<p>Upon occupation of 75% of the dwellings</p>
8.	<p><b>Children's and Young People's play</b></p> <p>On site provision of 0.46 hectares of Childrens play facilities space in accordance with the Green Spaces and Water Environment SPD</p>	<p>On basis of 400 dwellings, a minimum of 0.46 hectare of children and young peoples play</p> <p>£541 per dwelling for capital costs.</p>	<p>Provided regardless on relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</p>	<p>Upon occupation of 75% of the dwellings</p>
9.	<p><b>Allotments</b></p> <p>Onsite provision of 0.19 hectares. The allotments must be formed as one area and be compliant with the adopted Green Spaces and water Environment SPD.</p>	<p>On basis of 400 dwellings, a minimum of 0.19 hectares of allotments</p> <p>£258 per dwelling for capital costs</p>	<p>Provided regardless in relation to scheme to be approved by the Council at the reserved matters stage. Maintenance to be agreed.</p>	<p>Upon occupation of 75% of the dwellings</p>

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
10.	<p><b>Outdoor Sports Pitches</b></p> <p>Contribution towards Finberry community centre, as part of the hub of facilities which provide outdoor sport provision including a 3G pitch</p>	£875 per dwelling	<p>Pay regardless a total of up to £350,000</p> <p>The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers</p>	First 25% of the sum on 25% of homes occupied with the reminder on each 25% thereafter.
11.	<p><b>Link Road between Finberry and Waterbrook</b></p> <p>To provide connectivity between developments including facilitating bus provision.</p>	Construction of the link road and bridge to connect with provision at Finberry.	Provided regardless	Commence within 12 months of the Bellamy Gurner (phase 2) junction being opened to traffic and completed in accordance with an agreed timescale.
12.	<p><b>Retail food store</b></p> <p>Provision of local centres.</p>	Prior to the commencement of construction for the food store within zone c a contact being let and construction commencing on any agreed	Provided regardless	Provided regardless

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
		provision for food retailing at Finberry Park		
13.	<b>Social Care Contribution</b> towards the building of increased capacity at Braethorpe Community Wellbeing Hub	£56.41 per dwelling	Deferred in full. A contribution payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	Upon occupation of 75% of the dwellings  Any deferred Contributions received, as determined by Officers under delegated powers
14.	<b>Community Learning</b> Contribution towards the reconfiguration of learning space at Ashford Gateway	£34.45 per dwelling	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	Upon occupation of 75% of the dwellings  Any deferred Contributions received, as determined by Officers under delegated powers
15.	<b>Libraries and Archives</b> contribution towards the reconfiguration and increase capacity of Ashford Gateway	£108.32 per dwelling	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism	Upon occupation of 75% of the dwellings  Any deferred Contributions received, as determined by

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
			below as determined by Officers under delegated powers	Officers under delegated powers
16.	<p><b>Strategic Parks</b></p> <p>Contribution sought towards a surfaced path at Conningbrook Country Park, providing access to the play area and picnic areas, within the publicly accessible fields of the park (i.e. non-grazed areas).</p>	<p>£146 per dwelling for capital costs.</p> <p>£47 per dwelling for future maintenance</p>	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	Any deferred Contributions received, as determined by Officers under delegated powers
17.	<p><b>Youth Services</b></p> <p>Contribution towards Youth Outreach Service</p>	£27.91 per dwelling	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	<p>Upon occupation of 75% of the dwellings</p> <p>Any deferred Contributions received, as determined by Officers under delegated powers</p>
18.	<p><b>Monitoring Fee</b></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	Paid regardless	First payment upon commencement of development and on the anniversary thereof in subsequent years

<b>Planning Obligation</b>				
	<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
19.	<b>Framework travel plan monitoring</b>	£10,000	Deferred in full. The remainder payable if sales values rise in accordance with the viability review mechanism below as determined by Officers under delegated powers	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
20.	<p><b><u>Deferred payments mechanism</u></b></p> <p>Review mechanism to ensure that improvements in scheme viability enable contributions foregone to be captured.</p>	<p>First viability review 3 years after the implementation of the planning permission or the occupation of 100 dwellings whichever is the earlier and a second viability review 5 years after the implementation of the planning permission or the occupation of 300 dwellings whichever is the earlier. Both to be full scheme reviews and aiming to capture contributions foregone as set out above to the value of all</p>	To be paid if the circumstances prevail	Agreed % of increases in values, above those in the viability appraisal

<b>Planning Obligation</b>			
<b>Detail</b>	<b>Amount(s) required by policy</b>	<b>Impact of Viability – Amount proposed for this application</b>	<b>Trigger Point(s)</b>
	deferred contributions (indexed)		
21.	<p>Regulation 123(3) compliance: 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>Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</p>		

**(D) Permit**

Subject to the following conditions and notes:

**(E) GRANT OF FULL PLANNING PERMISSION****Time condition**

1. The development hereby permitted shall be begun before the expiration of 1 year 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 and to ensure that the relocated and expanded truck-stop facility enabled by the grant of planning permission is delivered in a timely fashion in the interests of the planning of the locality.

**Approved plans**

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

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interest of visual amenity.

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### **Materials & Visual amenity**

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

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

### **Walls and fences**

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

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

### **Levels**

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

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

### **Parking**

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

### **Cycle parking**

7. Details of the bicycle storage facilities showing a covered and secure space shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed in accordance with the approved details prior to the occupation of the relevant dwelling it serves 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

### **Landscaping**

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

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

### **Landscaping**

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

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

### **Landscaping**

10. 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

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**Restriction use**

11. The small and medium enterprises hereby permitted shall be used for B1 (b and c) B2 and B8 uses only and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order that the unit provide adequate parking provision in the interests of highway safety.

**Storage of oils, fuels or chemicals**

12. For the truck stop, any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

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

**Truck-stop management plan & jet wash**

13.(A) Prior to any the new truck-stop being open available for use, a Truck-Stop Management Plan (TMP) shall have been submitted to and approved by the Local Planning Authority in writing and shall include the following;-

(a) a minimum of 30 electricity charging points for refrigerated vehicles,

(b) the approach to be taken to minimise light spillage from the site including the time period when lights to zones within the truck-stop will be completely extinguished and the time period when lights will be dimmed to the lowest operationally safe levels and how the truck-stop facility will be managed to achieve both whenever possible,

(c) the provision for reducing noise through use particularly in relation to the management of overnight or early morning departures including directing HGV parking requiring such departures to the least sensitive locations of the truck-stop site relating to residential noise receptors both existing and newly created at Waterbrook Park,

(d) measures carried out in the construction of the truck-stop so as to future proof the easy future provision of a greater number of electricity charging points within the site to cater for increased patronage by refrigerated vehicles and/or changes in the logistics industry moving towards lower emission hybrid and/or electric vehicles requiring charging.

(B) Thereafter, the TMP shall be implemented in full and maintained unless the Local Planning Authority has agreed in writing to any variation.

14. The jet-wash facility for the new truck-stop shall only operate between 08:00-18:00 on any day.

**Reason:** In order to protect the amenities of existing and new residents by restricting noise and light spillage from the approved facility through active environmental management.

### **(B) GRANT OF OUTLINE PLANNING PERMISSION**

#### **Time condition**

15. Approval of the details of the layout, scale, landscaping, appearance and access (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.

#### **Reserved matters**

16.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.

#### **Development brief**

17. (A) Prior to the first approval of any floorspace that is proposed pursuant to the grant of outline permission, a Development Brief shall have been submitted to and approved in writing by the Local Planning Authority setting out matters of the intended identity for Waterbrook Park and the place-making actions necessary to achieve that identity including approaches at phase, parcel, street and plot level underpinned by an urban design framework. The Development Brief shall include a time period for its future review as might be necessary.

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(B) All applications for reserved matters approval (or any stand-alone full applications) submitted pursuant to this permission shall include a brief written statement identifying how the detailed design proposed is considered to comply with the design principles set out in the Brief.

**Reason:** To help ensure that the principles of development necessary to create a high quality context sensitive design for Waterbrook Park set out in a Development Brief to be agreed with the Local Planning Authority so that they can inform the work of prospective applicants in relation to phases, parcels and individual plots.

### **Restrictions on Use**

18. The maximum gross internal floor space on the site which is used for uses in each Use Class in the schedule to the Town and Country Planning (Use Classes) order 1987 as part of the Outline development shall not exceed the following levels as set out in the Transport Assessment:

- (a) B1/B2/B8 - 17,288 sqm of which B1 (a) use shall not exceed 15, 000 sqm
- (b) 4995 sqm of car showroom
- (c) 2,323 sqm A1 foodstore
- (d) 1332 sqm of A3/A5 drive through restaurant
- (e) 508 sqm petrol filling station

**Reason:** In the interest of visual amenity and in order to keep any traffic associated with the development to acceptable levels in the interests of highway safety.

### **Restrictions on Use**

19. The number of dwellings submitted at the reserved matters stage shall not exceed a total of 400 and shall be sited only within the area shown for residential (C3 use) on parameter plan drawing DHA/11113/06 rev A.

**Reason:** In the interest of visual and residential amenity and in order to keep any traffic associated with the development to acceptable levels in the interests of highway safety

### **Noise**

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

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

### **Water efficiency**

21. The dwellings 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.

### **Flood risk**

22. No development in any phase shall take place until the details required under the reserve matters condition shall demonstrate that requirements for surface water drainage can be accommodated within the proposed development layout. The sustainable drainage scheme shall be demonstrated to meet with the requirements of Ashford Borough Council's Sustainable Drainage SPD.

**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 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. The reserved matters details shall include details of the final levels for the development including slab levels of the buildings. The development shall be carried out in accordance with the approved levels.

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

### **Parking**

24. The reserve matters details shall show adequate land, reserved for parking or garaging to meet the needs of the development and in accordance with the Council's adopted Residential Parking and Design guidance SPD or any adopted guidance or policy which may have superseded it. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area.

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

### **Design to encourage and facilitate cycling**

25. No building shall be occupied until space has been laid out within that site for bicycles to be parked under cover in accordance with details that shall have been submitted to and approved by the Local Planning Authority and such cycle parking facilities shall subsequently be retained available for use by staff and visitors to the premises.

**Reason:** In the interests of promoting alternative modes of transport generally and, specifically, to ensure that each development plot provides an acceptable number of good quality cycle parking facilities to help facilitate transport choice for staff and visitors, to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

26. Unless otherwise agreed with the Local Planning Authority, no building shall be occupied until cycle changing/shower facilities/drying facilities/locker facilities have been provided for that building (whether in that building or in an adjoining one or in a centralised facility within the site) in accordance with details that shall have been submitted to and approved by the Local Planning Authority and these facilities shall subsequently be retained available for use by staff and visitors to the premises.

**Reason:** In the interests of promoting alternative modes of transport generally and, specifically, to ensure that the necessary facilities for cyclists, both staff and visitors, are provided in order to reduce reliance on the private car and to accord with the approach to car parking on the site pursuant to the SPG6 South of Ashford Transport Study.

### **Framework and Workplace Travel Plans**

27.(A) Prior to the first occupation of any building at the site, a Framework Travel Plan (FTP) shall have been submitted to and approved in writing by the Local Planning Authority. The FTP shall set the long term management arrangements for the FTP.

(B) The FTP shall include the overarching Travel Plan approach for the whole site and establish a threshold whereby occupiers of floorspace either are required to produce an individual Workplace Travel Plan taking forward the content of the FTP, or, due to small size, are required to adopt and work towards the targets and objectives of the FTP via a pro-forma/template (with said pro-forma/template to be agreed in writing by the Local Planning Authority as part of the FTP).

**Reason:** In order to help realise a sustainable pattern of development in the area,

comply with the provisions of the NPPF and the principles of sustainable development, assist smaller scale occupants of the site work towards Travel Plan objectives and targets and assist all other occupiers in the formulation of individual Workplace Travel Plans.

28. Within 7 months of first occupation of a building or any part of a building of a size identified in the FTP as necessitating a Workplace Travel Plan (WTP), WTP for the occupier of that floorspace that accords with Best Practice and the principles of (i) encouraging sustainable movement and (ii) reducing the reliance on the private motor vehicle as set out in the NPPF and builds on baseline survey work carried out by the occupier within a maximum 6 months of first occupation shall have been submitted to and (following consultation with the local highway authority) be approved by the Local Planning Authority. WTPs shall contain:

- (a) Details of measures designed to achieve and maintain an appropriate target modal split of travel to and from that building,
- (b) The contact details of an individual who will be appointed as WTP Co-ordinator within his/her job description and who will act as the contact point for the Local Planning Authority and the measures set out within the WTP,
- (c) A mechanism for information to be provided to the Local Planning Authority annually (or as agreed in writing) as to the implementation of the measures set out in the WTP, and
- (d) Proposed measures to maintain the appropriate modal split for the site and to monitor the performance of the WTP and appropriate measures to cover against failure to meet the agreed targets.

The agreed WTP for each occupier shall subsequently be implemented in full within 3 months of written approval by the Local Planning Authority and thereafter shall be maintained unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to realise a sustainable pattern of development in the area, to comply with the provisions of the NPPF and the principles of sustainable development and take forward the provisions of the FTP for the site.

### **Landscaping**

29. At the same time as the submission of approved matters for approval, a survey of the development site as existing shall be submitted to the Local Planning Authority concurrently with the submission of the site layout drawings and shall include, as appropriate, the following information at a suitable scale:

- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 75mm or greater at a point 1.5 metres above ground level.

- (b) A numbered tree condition schedule with proposals for removal of trees and for surgery or other works, where applicable, to retained trees.
- (c) Existing and proposed levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection.
- (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation.
- (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate.
- (f) Existing boundary treatments and forms of enclosure.
- (g) Existing structures, services and other artifacts, including hard surfaces.
- (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site.
- (i) Route of existing footpaths and public rights of way on and adjoining the site.
- (j) North point and scale.
- (k) Location map.

**Reason:** To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site.

30. 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 10 years from the date of the completion of the development.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any

equipment machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

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

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

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

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

**Landscaping implementation and maintenance: non-residential**

33.(A) The landscaping schemes approved pursuant to this permission relating to non-residential development shall be carried out within 12 months of the final building on the plot being substantially complete and available for occupation.

(B) The Local Planning Authority shall be notified in writing of the completion of the approved landscaping works relating to the plot.

(C) Any tree or plants which, within a period of 10 years from the completion of those works, 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 agreed otherwise by the Local Planning Authority in writing.

**Reason:** In order to mitigate the impact of non-residential development through the implementation of agreed landscaping for individual plots.

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### **Landscaping implementation and maintenance: residential**

34. (A) The landscaping schemes approved pursuant to this permission relating to residential development shall be carried out within 12 months of the last dwelling forming part of the application being substantially complete and available for occupation.

(B) The Local Planning Authority shall be notified in writing of the completion of the approved landscaping works.

(C) Any tree or plants which, within a period of 10 years from the completion of those works, 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 agreed otherwise by the Local Planning Authority in writing.

**Reason:** In order to mitigate the impact of residential development through the implementation of agreed landscaping for individual plots.

### **Limitation of height in Employment Zone C**

35. No building in Employment Zone C as defined on the approved plans shall be erected in excess of 2-storeys in height.

**Reason:** In order to limit the visual impact of new buildings in this area of the site on the wider landscape and the Green Corridor containing a Local Wildlife Site located adjacent/near to Zone C.

### **Petrol Filling Station ancillary retail**

36. The ancillary retail floorspace forming part of the petrol filling station shall not be occupied by a single retailer.

**Reason:** The ancillary retail floorspace within the building is only acceptable in sequential and retail impact terms as an enabling development that would contain a number of retail concessions set within generous circulation space. A single retail occupier would adversely impact on the deliverability of a single retailer store within Finberry Local Centre located to the west of the application site.

### **Bus stops**

37. An additional pair of bus stops on either side of Waterbrook Avenue close to Employment Zones A and C shall be provided in accordance with details (including a timetable for provision) submitted to and approved by the Local Planning Authority in writing and shall thereafter be implemented in accordance with the approved timetable.

**Reason:** In order to ensure that the employment land subject of this permission is

properly served by facilities that will benefit employees and persons visiting or shopping with bus-stop facilities close to employment land thereby enhancing the attractiveness of that mode of transport.

### **Allotments**

38. Prior to any application for approval of reserved matters for residential development, details of the location and extent of allotments embedded within public open space within the identified residential zones or at their margins shall have been submitted to and approved by the Local Planning Authority in writing. The details shall include long term management arrangements and a timetable for their provision. Thereafter, the approved allotments shall be implemented in accordance with the approved details.

**Reason:** Provision of allotments is proposed by the applicant to be on-site.

### **Gas boilers**

39. All gas-fired boilers fitted to dwellings to meet a minimum standard of <40mgNO<sub>x</sub>/kWh.

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

## **(c) CONDITIONS APPLICABLE TO THE GRANT OF FULL AND OUTLINE PLANNING PERMISSION**

### **Limiting HGVs on the highway within the site**

40. Prior to the construction of any new building floorspace approved pursuant to an application for approval of reserved matters, (i) an assessment of the need for any measures (through the making of any Traffic Regulation Order) to limit parking of HGVs in the interests of visual amenity, the amenities of residents and highway safety shall have been submitted to and approved by the Local Planning Authority and (ii) any identified implementation strategy shall be approved by the Local Planning Authority including the making of any Order(s) and arrangements for enforcement or any Order(s).

**Reason:** In order to ensure the HGV's park within the proposed truck-stop, do not park in other locations to the detriment of occupiers and residents of Waterbrook Park and do not park in locations that would be detrimental to highway safety.

### **Highways**

41. Unless otherwise agreed in writing by the Local Planning Authority, no more than 1 DU (including existing 0.73 DUs) shall be occupied until the construction and opening of the agreed Bellamy-Gurner Improvement. References to "DU" mean development units as defined in terms of floorspace of certain Use Classes (and not

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trip rates) by the table in paragraph 6.2 of SPG6 (as amended by the Erratum) adopted June 2004

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

### **Highway capacity**

42. Unless otherwise agreed in writing by the Local Planning Authority, no more than a total of 6.75 DUs (including existing uses) shall be occupied until the construction and opening of M20 Junction 10a. The references to "DU" mean development units as defined in terms of floorspace of certain Use Classes (and not trip rates) by the table in paragraph 6.2 of SPG6 (as amended by the Erratum) adopted June 2004.

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

### **Code of Construction Practice**

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

The code shall include;-

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s) in compliance with IAQM Guidance put forward in Section 6 of SLR Report Ref: 402.07264.00001 of December 2017
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water

- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

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

### **Highways adoption**

44. Before the first occupation of each building forming part of the development, the following works between that area and the adopted highway shall be completed:

- (a) Footways/cycleways, with the exception of the wearing course,
- (b) Carriageways, with the exception of the wearing course, including the provision of agreed turning facilities together with related highway drainage, including off-site works,
- (c) Junction visibility splays, street lighting, street nameplates and highway structures if any.

The relevant wearing courses shall be completed within one year of the first occupation of the relevant building and the works as completed shall thereafter be retained and maintained.

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

### **Bus services**

45. Prior to the occupation of any built development, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of bus stops (and additional bus stops on Waterbrook Avenue) which shall incorporate bus shelters, bus boarders and real time information displays. Details of their maintenance shall be provided at the same time.

Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing. The bus stops & displays shall be maintained in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing.

**Reason:** In order to enhance public transport links to the site.

### **Archaeology**

46. Prior to commencement of development the applicant, or their agents or successors in title, will secure the implementation of the Waterbrook Archaeological Framework in the following phases:

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- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and
- iii) programme of post excavation and publication works.

**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**

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

**Reason:** To ensure that features of archaeological palaeo-environmental interest are properly examined and recorded in accordance with NPPF

### **Archaeology**

48. Prior to occupation, the applicant, or their agents or successors in title, will secure the implementation of a programme of heritage interpretation work in accordance with a written strategy and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly accessible to the public in accordance with NPPF paragraph 141

### **Groundwater and contaminated land**

49. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority.

The scheme shall be implemented as approved.

**Reason:** We have reviewed the 'Phase 1 Contaminated Land desktop Report' by Ensure (reference EN118/GSE/2017/R1 dated 20 October 2017) submitted to support this application. The report indicates the presence of potentially contaminating activities (aggregate processing and truck refuelling) and recommends ground/groundwater investigations to assess these. The proposed new petrol filling station will need to be constructed in accordance with current regulations and guidance as indicated in the penultimate paragraph on page 23 of the report.

#### **Groundwater and contaminated land**

50. 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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

#### **Groundwater and contaminated land**

51. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

**Reason:** Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater

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## **Foundations**

52. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**Reason:** The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground-waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

## **Sewerage SWS (includes surface water) remove surface**

53. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and shall be installed in accordance with the approved details.

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

## **Sustainable design and construction**

54. The development shall be carbon neutral. Each building hereby approved shall be constructed to achieve:

a) a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'very good' standard comprising of the following minimum credit requirements:

i) 'Excellent' standard in respect of energy credits

ii) 'Maximum standard in respect of water credits

iii) 'Excellent standard in respect of materials credits

iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions.

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

- a) A feasibility study to establish the most appropriate local low and zero carbon (“LZC”) technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements)
- b) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed.
- c) A BREEAM ‘Design Stage’ report and related certification produced by a registered assessor.
- d) Details of the measures and LZC and other technologies to be used to achieve the BREEAM credit requirements and credit(s) specified above (as the case may be).

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

The approved measures and LZC and other technologies for achieving the BREEAM credit requirements and credit(s)) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied until a) and b) below have been submitted to and approved in writing by the Local Planning Authority for that building.

- a) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions
- b) a BREEAM ‘Post Construction Stage’ report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to: (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPFF

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### **Monitoring**

55. 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

### **Lighting**

56. Full details of any external lighting (including fixtures, colours, any phasing, hours of operation) shall be submitted to and approved in writing by the Local Planning Authority before being installed on site; such lighting shall comply with the Institute of Lighting Engineers Guidance Notes in respect of the need to reduce light pollution to a minimum and thereafter such lighting shall be retained and operated maintained as approved. No other external lighting shall be installed without the written approval of the Local Planning Authority.

**Reason:** In order to avoid unacceptable light pollution of the area

### **Acoustic barriers**

57. Prior to the commencement of the development hereby approved, details of all acoustic barriers, to be erected along the boundary(ies) of the development site, including details of its ongoing maintenance shall be submitted to and approved by the Local Planning Authority and once approved this shall thereafter be installed and permanently retained.

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

### **Air Quality monitoring**

58. Six months Air Quality monitoring shall be carried out on completion of the development, as detailed in SLR Report Ref: 402.07264.00001 of December 2017. The results shall be submitted as a report to the LPA.

**Reason:** in the interests of residential amenity

### **Storage**

59. There shall be no storage on the site other than within a building.

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

### **Industrial processing**

60. Industrial processing shall only take place in the building(s) identified on the approved plans.

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

### **Commercial**

61. The rating level of noise emitted from plant and equipment to be installed (determined using the guidance of BS 4142:2014) shall be at least 5dB below the ambient background noise level ( $L_{A90}$ ) during both the daytime and night-time periods. Where there is a tonal element to the noise the rating level shall be at least 10dB below background.

**Reason:** To protect the amenity of the locality

### **Commercial and truck stop**

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

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

### **Drainage (1)**

63. Development shall not begin in any phase until a detailed sustainable surface water drainage strategy has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and discharged in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD. The drainage scheme shall also expressly demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

**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 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.

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### **Drainage (2)**

64. 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
- A 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

### **Drainage (3)**

65. 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 modelled 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.

### **Public rights of way**

66. No development should take place over any public right of way until the confirmation of its diversion or extinguishment and certification of the new route has been provided by Kent County Council.

**Reason:** To ensure that public rights of way are properly safeguarded in the public interest.

### **Notes to Applicant**

#### 1. Working with the Applicant

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues and thereafter the application was dealt with 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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2. 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.
  3. The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
  4. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
  5. The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.
  6. Please be aware that the East Stour, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. As of 6 April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.  
Please contact the Partnerships and Strategic Overview team at [pso.eastkent@environment-agency.gov.uk](mailto:pso.eastkent@environment-agency.gov.uk) or our National Customer Contact Centre on 03708 506 506 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for more information. 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. The applicant is advised to discuss any issue the matter further with Southern Water, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

A high pressure gas main passes through the site and the applicant should contact Southern Gas Networks for detailed advice as to working practices, exclusion zones for foundations of buildings and acceptability of any car parking and access road provision over the gas main.

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<b>Application Number</b>	18/00724/AS	
<b>Location</b>	Land south of junction of Beaver Road and Victoria Road, Ashford, Kent	
<b>Grid Reference</b>	00977/42120	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Proposed minor material amendments to planning permission 16/01164/AS for a 120-bedroom hotel involving minor changes to layout, the provision of an additional storey and related elevation changes with associated parking, landscaping and access works	
<b>Applicant</b>	Mr Philip Farnham, Rellish Ashford Ltd, Danns Lane, Mereworth, Watlington, Kent, ME18 5LW	
<b>Agent</b>	M Antony Pleasants, Bowman Riley Architects, 2 <sup>nd</sup> Floor, 2 Sycamore Street, London, EC1Y 0SF	
<b>Site Area</b>	0.28ha	
(a) 205 / 2 R	(b) -	(c) KH&T R, KCC Flooding X, R. Stour IDB X, EA X, NE X,

The Principal Strategic Sites Planner & Urban Designer drew Members' attention to the Update Report. Kent Highway and Transportation's objections were in the process of being addressed by the applicant and revised plans were awaited in respect of on-site parking space sizes. An additional condition was proposed pertaining to electric charging points.

A statement was read out on behalf of the Ward Members requesting clarification that the cladding proposed was safe and supporting of the application.

**Resolved:**

- (A) Subject to the applicant resolving the issue raised by KH&T in respect of minor changes to car parking dimensions in the on-site car park to the satisfaction of the Head of Development Management and Strategic Sites with delegated authority to the Head of Development Management and Strategic Sites to delete, amend and add to planning conditions as she sees fit,**

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**(B) Permit**

Subject to the following conditions and notes:

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

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

Materials

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

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

Compliance with approved plans

- 3 Unless any variation to the plans is agreed in writing with the Local Planning Authority pursuant to the conditions attached to this permission, the development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

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

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

### Contamination

- 5 (A) Prior to the commencement of development, a detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation. The development shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority.

(B) Following completion of the remediation scheme and prior to occupation of any building, a verification report, that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

- 6 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, and obtained written approval from the Local Planning Authority for, a remediation detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters.

### Protecting nearby rail infrastructure

- 7 Development of the site shall only take place in accordance with the terms of a signed Basic Asset Protection Agreement with Network Rail Infrastructure Limited. A copy of the signed agreement shall be provided to the Local Planning Authority prior to commencement of development.

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**Reason:** In order to manage the potential impacts of the development on the railway infrastructure located adjacent to the site and to ensure certainty that agreement has been reached.

### SUDS

- 8 (A) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site and in accordance with the requirements of Ashford Borough Council's Sustainable Drainage SPD 2010.

(B) The hotel shall not be opened for use until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

(i) a timetable for its implementation, and

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

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

### Fine detail

- 9 Prior to any construction above ground level, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases unless stated otherwise:-

(a) full details of glazing (clear/tinted/obscured/opaque), decorative feature louvres/panels, and external doors, including all external joinery and framing

methods and external colour and proposed position within the reveals to openings through use of cross sections (1:20),

(b) external rainwater goods and guttering (1:20 to show detail)

(c) external horizontal feature channels between storeys (1:20)

(d) jointing of cladding panels and feature panels (1:20)

(e) full details and colour finish of any vents / louvres / grilles on the exterior of the building (1:20 to show detail and 1:100 to show context)

(f) the location of any proposed plant /machinery to be attached to the exterior of the building including methods of support and shields and finish colour (1:20 to show detail and 1:100 to show context),

(g) the sedum roof/roof top parapet detail (1:50)

(h) screens to rooftop lift overruns / service riser penetrations / rooftop air source heat pumps, including precise location, materials and final finish (1:50)

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

#### Parking/Highway

- 10 The access details shown on the approved plans and all visibility splays shall be completed prior to the occupation of any building hereby approved/the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway.

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

- 11 The area shown on the submitted layout as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 and be detrimental to highway safety and amenity.

- 12 The hotel use shall not be commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked and be provided with a cover in accordance with the details shown on Bike Store Canopy Proposal Drawing Number (000)018..

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to provide protection from wet weather and so encourage usage.

### Use

- 13 The premises/site shall be used for Use Class C1 (hotel) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2005) and not for any other purposes whether or not in the same use class of any subsequent Order amending, revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

- 14 (A) Prior to any night time servicing (defined as between the hours of 23:00 - 07:00) of the permitted use taking place the following details shall have been submitted to and agreed in writing by the Local Planning Authority;-

(a) the days of the week that night time servicing will take place,

(b) the duration of the night time servicing,

(c) details of the nature of the night time servicing and the location of the servicing activity on the land, and

(d) the proposed measures to mitigate noise from such night time servicing including location, form, size, materials, appearance and any required adjustments to any previously approved hard and soft landscaping located within the premises/site.

(B) Thereafter, the permitted use shall only be serviced at night time in accordance with such approvals unless the Local Planning Authority has agreed to any subsequent proposed variation in writing. Any measures agreed to mitigate noise pursuant to (d) above shall be implemented in full prior to any night time servicing taking place and, notwithstanding the

provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending/revoking or re-enacting that Order, shall be retained and maintained in full effective working order.

**Reason:** In order to ensure that any required night time servicing of the permitted use is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and that acceptable on-site mitigation is provided.

Soft and hard landscaping within the application site & upgrading scheme for the highway corner outside of the application site

- 15 Prior to above ground works taking place, full details of the soft and hard landscape works within the application site have been submitted to and approved in writing by the Local Planning Authority.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for its approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting on land to be retained and maintained as private land is completed within 6 months of the completion of the development. The plans shall identify the status of the soft landscape works within the application site in terms of land to be retained and maintained as private land and land to be offered for adoption as public highway.

(b) The full details of hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate, drawings to scale to show lighting columns and lighting bollards, other bollards (including those located to the west of parking space P5 on Drawing 006 Rev A or any agreed variant to that drawing), any proposed means of demarcating public realm forming part of the highway from privately owned and maintained land and any walls/gates/fences and any proposed car park barrier mechanisms together with a timetable for implementation of all hard landscaping works on land to be retained and maintained as private land. The plans shall identify the status of the hard landscape works within the application site in terms of land to be retained and maintained as private land and land to be offered for adoption as public highway.

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(c) The soft and hard landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species populations are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation. To ensure that tree planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure that boundary treatments are appropriate to the context of the site and are of acceptable design quality.

- 16 If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

- 17 Prior to above ground works taking place, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 18 Prior to above ground works taking place, a landscaping scheme for the upgrading of the Beaver Road/Victoria Road corner highways land outside of the application site (including specification and plans and cross sections of proposed upgrades together with documentation identifying how and when the scheme will be implemented and subsequently maintained) shall be submitted to and, following prior consultation with the local highways authority and any undertaker under the Street Works Act 1991 or any telecommunications operator whose apparatus are on or under the land, be approved by the Local Planning Authority in writing. Thereafter, the scheme shall be implemented in accordance with the approved details and timetable

agreed with the Local Planning Authority unless any variation has been agreed in writing.

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

Sustainable construction

- 19 The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Excellent' standard in respect of water credits,

'Excellent' standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20%

reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing:-

A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements), Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed and the specification of any Combined Heat and Power plant to be installed within the building such as to prevent pollution and ensure acceptable noise levels in operation and,

Within 6 months of work commencing, the following shall be submitted to and approved in writing by the Local Planning Authority;

A BREEAM 'Design Stage' report and related certification produced by a registered assessor

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other

technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, within six months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts (i) and (ii) below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating;-

(i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and

(ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

**Reason:** In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

Code of construction practice & air quality

- 20 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,

- A construction logistics plan
- An indicative programme for carrying out the works

- Measures to minimise the production of dust on the site in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95
- 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
- Full details of the provision of off road parking for all site Operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

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

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

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### Archaeology

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

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

### Fibre broadband to the premises

- 23 Prior to the first occupation of the premises, 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.

### Ecological Works & Management Strategy

- 24 (A) Prior to any above ground works taking place, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include:-
- (i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as

part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) Not used.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site invertebrate mitigation strategy are aligned with the proposed phasing of construction,

(iv) the persons responsible for implementing the on and off-site works in relation to invertebrates, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in part (A) as well as the approval previously issued by the Local Planning Authority under reference 16/01164/CONA/AS (in respect of Condition 24 of that permission and relating solely to reptiles) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** (A) In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time and (B) to co-ordinate the required details to be approved with those already approved in detail pursuant to application 16/01164/CONA/AS.

#### Substation on George Street frontage

- 25 Prior to installation full scale drawing details of the substation (including associated fencing/ enclosure/gates, colour finish and screen landscaping) shall be submitted to and approved by the Local Planning Authority in writing and thereafter the substation shall only be implemented and thereafter maintained in accordance with such details unless agreed in writing by the Local Planning Authority.

**Reason:** Full final details of the substation have not yet been provided and require approval in order to ensure that the development is appropriate and acceptably integrated into the frontage treatment of new development on the northern side of Victoria Road.

- 26 Prior to its installation on private land, full details of any proposed public art, including appearance, height, width, depth, location and long term management shall be submitted to and approved in writing by the Local Planning Authority and thereafter the public art shall only be installed and

maintained in accordance with such approved details unless the Local Planning Authority has agreed to any subsequent variation in writing.

**Reason:** In the interests of visual amenity as details of any public art proposed to be installed have not been submitted.

Green wall/screen to Beaver Road petrol filling station

27 (A) Prior to first occupation of the hotel;-

(i) full elevation and cross section details of the green wall/screen within the application site (as shown on Drawing GHA001) including materials, colour

and supporting structures, and

(ii) details of any green wall/screen irrigation, proposed planting with particular benefits to habitat and site biodiversity and proposed maintenance regime, and

(iii) a timetable for the green wall/screen construction within the application site shall have been submitted to and been approved in writing by the Local Planning Authority.

(B) Thereafter, the green wall shall be installed in accordance with the approved details and to the agreed timetable unless any variation has been subsequently agreed in writing by the Local Planning Authority.

**Reason:** Full fine details of the green wall structure and proposed planting and maintenance regime have not yet been submitted. The construction of the wall in one single operation needs to be agreed in order to ensure against damage from building operations being carried out either on-site or on adjoining land.

28. Prior to the hotel being first opened, (A) the group of 24 parking spaces (involving open and covered spaces) shown on Ground Floor Plan Drawing No 8113 – (000) 009 Rev D shall be installed with an electric charging points for each space within the group and (B) the applicant shall have confirmed in writing to the Local Planning Authority that ducting has been provided within the design of the other car parking areas serving the hotel (approved pursuant to planning permission 16/01164/AS) that enables future additional provision of charging points for customers.

**Reason:** The application involves major development and it is important to minimise the impact of vehicle emissions arising from its use on air quality by helping to promote a shift to the use of low emission transport: good provision of on-site charging facilities will help in this regard as will future proofing the design of the car park to accommodate additional provision.

## **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 provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme to address any issues raised.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### 2. The scale, massing, appearance and architectural style of the hotel have been specifically designed to be appropriate to an important entrance into the Council's Southern Expansion Quarter wherein high quality design and place-making is required as part of town centre regeneration. As per the previous approval issued under reference 16/01164/AS, the proposal is expected to take;-

(i) an approach that achieves acceptable upgrading of the highways land at the corner of the Beaver Road/Victoria Road junction located to the east of the proposed hotel lobby entrance, and

- (ii) an approach that minimises external ducts and grilles as part of ventilation to rooms and adopts a centralised ducted system with any air handling units located appropriately with a preference for an inset roof top location surrounded by screens of appropriate design.
3. The applicant should note that the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.
  4. Any works to the public highway will require separate approval from Kent County Council as the local highway authority through a s.278 agreement.
  5. The obligations set out in the s.106 agreement in respect of planning permission 16/01164/AS apply to this permission issued pursuant to s.73 of the 1990 Act for the same building development.

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<b>Application Number</b>	18/00584/AS	
<b>Location</b>	Site of former Klondyke Works, Newtown Road, Ashford, Kent	
<b>Grid Reference</b>	01548/41597	
<b>Ward</b>	Aylesford Green (Ashford)	
<b>Application Description</b>	The erection of 93 dwellings with associated highways, parking and landscaping	
<b>Applicant</b>	East Street Homes (South East) Ltd	
<b>Agent</b>	Miss Emma Mounsey, PRP, 10 Lindsey Street, London, EC1A 9HP	
<b>Site Area</b>	0.9ha	
(a) / 1S, 1R	(b) -	(c) ABC Env P. X, ABC Parking X, ABC Project Office (Drainage) X, ABC Refuse X, EA X, HE X, KCC (Arch) X, KH&T X, KCC (Flooding) X, SGN X, S. Eastern X, SACF X, S. Water X, Stagecoach X,

The Principal Strategic Sites Planner & Urban Designer drew Members' attention to the Update Report. A typographical error required correction.

In accordance with Procedure Rule 9.3 Mr Brooke, on behalf of the Agent, spoke in support of the application. He advised that this was East Street Homes' first scheme within Ashford and had followed two pre application meetings. He hoped that this was the start of a relationship with the Council. This proposal was for a brownfield site that was located in close proximity to a number of amenities, including retail, transport, and education and was within walking distance to the town centre. Mr Brooke assured the Committee that should permission be granted work would commence within two years and the planning conditions would be discharged. He urged Members to approve the scheme before them.

**Resolved:**

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

**a. Community learning**

**b. Youth service**

**c. Libraries**

**d. Social care - equipment**

**e. Social care – provision of x 1 wheelchair adaptable apartment**

**f. Public art**

**g. Entering into a s 278 agreement with KCC for the agreed funding towards the Crowbridge Road Bridge highway improvement**

**h. S.106 monitoring**

**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 either Director of Law and Governance or the Head of Legal and Democracy, 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 (and for the avoidance of doubt including adding additional planning conditions/obligations, amending conditions/obligations or deleting conditions/obligations) as she sees fit.**

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<b>Community learning</b> Reconfiguration of Ashford Gateway to facilitate additional learners	£3,204.00	Upon occupation of 75% of the dwellings
2.	<b>Youth service</b> Improvements to Ashford North Youth Centre through improvements including the provision of additional equipment to meet the needs of new attendees	£2,595.47	Upon occupation of 75% of the dwellings
3.	<b>Libraries</b> Increased book stock at Ashford Library to meet the demands of additional borrowers from this development	£4, 465.47	Upon occupation of 75% of the dwellings
4.	<b>Social care</b> Towards additional social care equipment	£4,376.58	Upon occupation of 75% of the dwellings
5.	<b>Social care</b> Provision on-site of x 1 wheelchair adaptable apartment	N/A – direct provision	N/A – direct provision
6.	<b>Public art</b> Provision of public art either on-site OR off-site in the locality OR a combination of the two as a result of a proposal to be agreed	£31,108.48	Agreement prior to 50% occupation of new homes. Any on-site provision to be completed prior to 75% occupation of new homes. Any agreed off-site provision to be provided within 4 years of the first anniversary of 100% occupation.

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
7.	<b>Highways agreement for off-site works</b> Entering into a s.278 agreement relating to the funding towards the Crowbridge Road Bridge (CRB) improvement scheme	£63,000	Prior to first occupation.
8.	<b>s.106 monitoring</b>	£750	On commencement
<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:

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this decision.

**Reason:** (A) 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 and (B) to ensure the early delivery of the development and the planning benefits that it would bring that outweigh its inability to full mitigate its impact.

- 2 The development of land 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.

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- 3 The development of land 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 Prior to installation written details including source/ manufacturer, and samples of bricks, tiles, and other cladding materials (including details of jointing) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

**Reason:** In the interests of visual amenity and to give clarity on jointing of panels.

#### Contamination

- 5 (A) The development of land shall only be carried out in accordance with a remediation and mitigation scheme to be submitted to and approved by the Local Planning authority unless otherwise agreed in writing by the Local Planning Authority.

(B) Following completion of the approved remediation and prior to the first occupation of any dwelling, a verification report that demonstrates the effectiveness of the remediation measures and mitigation that have been carried out shall have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised (together with those to controlled waters, property and ecological systems) and to ensure that the development will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990 and is development that can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

- 6 If, during development of the site, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written

approval from the Local Planning Authority for a remediation strategy for the land detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the protection of controlled waters.

Fine detail

- 7 Prior to usage in any building, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing.

Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

(a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),

(b) rainwater goods, eaves (1:20/1:50)

(c) details of vents, louvres, extractor vents together with locations,

(d) 1:20 scale details of any roof top screens to any roof top plant and equipment to be installed

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

Vehicle and Cycle Parking/Highways

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

**Reasons:** In the interests of highway safety and convenience.

- 9 The access details shown on the approved plans including off-site footway works to replace the redundant vehicle access and all visibility splays, shall be completed prior to the occupation of any buildings hereby approved / the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

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

- 10 The area shown on the approved layout as vehicle parking or turning space serving the development shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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 and be detrimental to highway safety and amenity.

- 11 No home shall be occupied until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved facilities shall thereafter be retained available for use.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for occupiers and their visitors.

#### Hard and Soft Landscaping

- 12 No development shall commence above ground level until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

(a) The full details of the soft landscape works to be submitted to the Local Planning Authority for approval shall include the planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of planting that is designed to create year round colour; details of vertical planting alongside noise barriers; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards,

the continuous linear planter feature facilitating vertical planting along the colonnade to the building, external seating, any elements of the site's historic past to be retained either in situ or relocated and/or commemorated.

(c) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.

**Reason:** To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. Also, to ensure that ecological functionality and protected species population are not impacted by the proposed development and foraging and dispersal routes remain open and connected throughout construction and occupation. To ensure that tree planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure boundary treatments are appropriate to the context of the site and are of acceptable design quality.

- 13 If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

- 14 Prior to the occupation of the development, a landscape management plan including long term design objectives, any hard surfaced areas to be offered to the public authorities for adoption, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

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

#### Sustainable drainage

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

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

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, and
- (iv) operate both during construction of the development and post-completion.

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

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

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

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

Code of construction practice

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

The code shall include,

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

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

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

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

- 18 No construction activities shall take place on the until a dust management plan for the construction phase has been submitted to, and approved in writing by, the Local Planning Authority. 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.

- 19 No construction works shall take place on the land until a construction logistics plan for the construction has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the construction logistics 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 impacts on local air quality.

#### Archaeology

- 20 Prior to the commencement of development of land the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority
  - (iii) safeguarding measures to ensure preservation in situ of important remains and/or further investigation/recording, and
  - (iv) the implementation of an agreed programme for archaeological interpretation.

**Reason:** To ensure that features of archaeological interest are properly Examined, recorded and interpreted.

#### Ecological Works & Management Strategy

- 21 (A) Prior to commencement of development on the land, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved

in writing by the Local Planning Authority. The content of the EWMS shall include:-

- (i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.
  - (ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.
  - (iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile mitigation strategy are aligned with the proposed phasing of construction,
  - (iv) the persons responsible for implementing the on and off-site works, including a programme identifying when a specialist ecologists need to be present on site to oversee the ecological works
- (B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

**Reason:** In order to ensure that any ecological works to be carried out are justified, accord with good practice and appropriately mitigate the impacts of the development and to ensure that an appropriate management strategy is put in place to properly monitor the success of the ecological works carried out for an agreed period of time.

#### Fibre broadband To The Premises

- 22 Prior to the first occupation of the land, 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.

### Noise

23. Prior to the commencement of development, a scheme for protecting the dwellings/development hereby approved from noise from Newtown Road and the Ashford-Hastings railway shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be incorporated into the hard and soft landscaping proposals for the site and the elevations to the approved buildings in accordance with the approval and shall then completed before the approved dwellings 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.

### 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 provided with pre-application advice,

- the applicant was provided the opportunity to submit amendments to the scheme to address issues raised.
  - The application was dealt with/approved without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called ‘highway land’. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have ‘highway rights’ over the topsoil. Information about how to clarify the highway boundary can be found at

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

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

3. The developer/applicant must ensure that the proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
  - affect the safety, operation or integrity of the company’s railway and its infrastructure
  - undermine its support zone
  - damage the company’s infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer must comply with the requirements of Network Rail by entering into Basic Asset Protection Agreement.

4. The applicant should note that an Ashford Borough Council refuse freighter would not normally pass onto private land as part of refuse collection of waste from

homes and so Council collection cannot be assumed unless an Indemnity Agreement is completed. The applicant is invited to discuss such issues further with the Council.

<b>Application Number</b>	18/00483/AS	
<b>Location</b>	Land north of Five Bars, Tally Ho Road, Shadoxhurst, Kent	
<b>Grid Reference</b>	97745/38386	
<b>Parish Council</b>	Shadoxhurst	
<b>Ward</b>	Weald South	
<b>Application Description</b>	Outline planning permission for up to 60 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, change of use of agricultural land to informal public open space , surface water flood mitigation and attenuation, vehicular access point from Tally Ho Road and associated ancillary works. All matters to be reserved with the exception of the main site access.	
<b>Agent</b>	Mr C Miles, Greenvolt Development Limited, 39a Welbeck Steet, London, W1G 8DH	
<b>Site Area</b>	5.1ha	
(a) 167 / 74 R / 3X	(b) Parish Council R	(c) KHS +, KCC LLFA X, PROW -, KAS +, KCCE -, KCCDC +, SCB +, BTOD +, EH +, ES -, Housing +, CSCF +, OSLO +, RAM1 +, EA X, NE -, KWT -, IDB -, NHS -, SWS +, POL +, KFRS -

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Stagecoach had provided a statement regarding improvements to the local bus services in response to comments from the Highways Authority.

In accordance with Procedure Rule 9.3 Mr Procter, a local resident, spoke in objection to the application. He advised the Committee that he had fundamental concerns regarding the application before them. Should permission be granted then this site would effectively connect the village to the Chilmington Green development and signal the beginning of the end for the village. When discussed at a public meeting, at which over 200 residents had been in attendance, it was clear that this proposal was unacceptable. This was an unsustainable development with inadequate infrastructure. The village did not have a school nor Doctors surgery and the bus service had been dramatically reduced. There was no footpath along this stretch which was dangerous for pedestrians. Should this application be granted then it would have a devastating and permanent effect on the quality of life of the residents of Shadoxhurst. Residents wished to live in a village not a suburb. Mr Procter urged the Committee to refuse the application.

In accordance with Procedure Rule 9.3 Mr De Havilland, on behalf of the Agent, spoke in support of the application. He drew attention to the briefing pack that had been distributed to the Committee Members. It was a copy of that which had been sent to Members earlier in the week but with one typographical error on page 2 corrected. This application, in his opinion, was worthy of support. 40% affordable housing had been agreed, although the applicant would be willing to provide up to 50% which would result in the construction of 30 open market dwellings and 30 affordable dwellings of mixed tenure, which in turn would be of benefit to local residents. Local people would be involved in the reserved matters stage in respect of the design and layout. A significant area of land had been put aside for use for recreation and open space, which the developer would pay for. This would not be a crammed site and Mr De Havilland felt it was worthy of close inspection. Around £500,000 would be contributed through S106 which would benefit local residents, should this application be refused then that money would not be available. In conclusion, he advised that the 5 year land supply required as part of a Local Plan was a minimum requirement and this would go towards meeting that target. He hoped that Members would find this proposal worthy of their support.

In accordance with Procedure Rule 9.3 Mr Ledger from Shadoxhurst Parish Council spoke in objection to the application. He commended the report to the Committee. Shadoxhurst residents and Parish Council were united in opposing this application. They had been relieved that the Council had a confirmed 5 year housing land supply. Drawing attention to paragraph 56 of the report, Mr Ledger advised that in the past seven years the village had grown by 15%. It was key that villages should grow in a realistic and sustainable way. The application was in effect for a large housing estate in a rural location. This proposal would effectively connect with Greater Chilmington Green and alter the village permanently. The Officer's report referred to Policy HOU5 and it was clear that this proposal was contrary to the following criteria of that policy; a, b, e and f. He felt that the objections raised by the Parish Council and residents were borne out. He requested that the Committee supported the Officers recommendation and refused permission.

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**Resolved:****Refuse****on the following grounds:**

1. The proposal is contrary to Policy EN9 of the Ashford Local Plan 2000; Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008; Policies TRS2 and TRS17 of the Tenterden and Rural Sites DPD, Policies SP1, SP6, SP7, and HOU5 of the Ashford Local Plan 2030 (Submission Version), and Central Government guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:
  - a. The proposed development would constitute an inappropriate development which would fail to respond positively to its context by virtue of the fact that it would erode the rural character of the village changing the way Shadoxhurst is perceived in the landscape and would reinforce ribbon development and the urbanisation of the countryside. Finally, the proposed development would appear visually prominent and incongruous in its context, in a manner that would diminish the countryside character causing significant and demonstrable harm to the landscape quality and visual amenity of the area.
  - b. The scale of the proposed development would represent a significant level of growth for a settlement with limited amenities and services. It is considered that the proposed level of growth would not be proportionate and the demand generated would not be adequately absorbed by the current offer of services.
  - c. The proposal is not located within walking distance of two of the important services in the village, the pub and the local shop, which would encourage future residents to use their private cars to access these facilities.
  - d. KCC Biodiversity require more information to be submitted, and has been consulted but not yet responded. As such it cannot be fully determined whether or not the proposal would be detrimental to the local fauna.
  - e. KCC Archeaeology disagree with the conclusions reached by the applicant's archaeological consultant and has required further work to be undertaken.
  - f. No planning obligation entered into.

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<b>Primary</b> Education  Towards Phase 1 expansion of St Theresa's RC PS	£3324.00 Per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings  To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
2.	<b>Secondary</b> Education  Towards Phase 1 of the 1 FE expansion of The Norton Knatchbull school	£4115.00 Per house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings To be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3)
3.	<b>Community Learning</b>  Towards additional adult education classes and equipment in Tenterden to accommodate the additional learners from this development	£34.45 per dwelling	Before occupation of 50% of the units.
4.	<b>Youth service</b>  Towards additional additional youth sessions and equipment in Tenterden	£27.91 per dwelling	Before occupation of 50% of the units

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
5.	<p>Libraries</p> <p>Towards the additional bookstock supplied to the mobile Library service that attends Shadoxhurst to meet the demands of the additional borrowers from this development</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
6.	<p>Social Care</p> <p>Towards Fairlawns Respite Care centre in Ashford</p>	£77.58 per dwelling	Before occupation of 50% of the units
7.	<p><b><u>Affordable Housing</u></b> Provide not less than 40% of the units as affordable housing, comprising 60% affordable rent units and 40% shared ownership units in the locations and with the floorspace, wheelchair access (if any), number of bedrooms and size of bedrooms as specified.</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</p>	<p>6 units - affordable rent</p> <p>18 units – affordable home ownership of which 12 units should be made for affordable shared ownership and 6 units should be an agreed low-cost home ownership product</p>	Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.		
8.	<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
9.	<b>Outdoor sport</b>	Capital: £95,340 commuted sum: £19,560	Before occupation of 75% of the dwellings
10.	<b>Play</b>	<b>capital</b> £38,940, commuted sum: £39,780	Before occupation of 75% of the dwellings
11.	<b>Allotments</b>	<b>capital</b> £15,480, commuted sum: £3,960	Before occupation of 75% of the dwellings
12.	<b>Strategic Parks</b>	<b>capital</b> £8,760, commuted sum: £2,820	Upon occupation of 75% of the dwellings
13.	<b>Cemeteries</b>	<b>capital</b> £17,040, commuted sum: £10,560	Before occupation of 75% of the dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
14.	<p><b>informal public open space</b></p> <p><b>To be provided onsite</b> in an agreed location</p> <p>Commuted sum to be paid for maintenance</p>	<p>0.29ha in area, to be provided as one entire space and not sub-divided</p> <p>Commuted sum £19,500</p>	<p>Before occupation of 75% of the dwellings</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p>			

### **Note to Applicant**

#### 1. Working with the Applicant

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

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

In this instance

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

- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with 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>	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</b>	Variation of condition 04 of planning permission 15/00223/AS to allow for a larger caravan on site
<b>Applicant</b>	Mrs Linda Lee
<b>Site Area</b>	0.28 hectares
(a) 8/9R 15/3R	(b) High Halden - R (c) KCCE – X, KWT - R

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Two additional objections had been received, these were précised to the Committee. Some photographs had been received earlier in the evening from a local resident; copies of these were handed to Members.

In accordance with Procedure Rule 9.3 Mrs Harrison, a local resident, spoke in objection to the application. She advised that she lived next door to the application site and spoke on behalf of residents. The proposal before the Committee was exactly that that had been enforced against in 2013. The application was a gypsy style development, with a representative from the Gypsy Council representing the applicants. The caravan in question was a prefabricated home which was 2 ¼ sizes larger than a touring caravan. The only way in which it could be called a mobile home was due to its arrival on a low loader. The proposal would be visually harmful and open to abuse. Mrs Harrison questioned why the applicants could not extend their dwelling to create space for guests. She was concerned that illegal gypsy homes could be placed on the site. There was little to no justification for this

proposal. 16 residents had objected along with the 24-strong Redbrook Street Neighbourhood Residents Group, the Woodland Trust and Hothfield Parish Council. Objections were based on an absence of good planning reasons and the historic abuse of the site. She requested that the Committee refuse the application.

One of the Ward Members attended and first read out a statement in objection by High Halden Parish Council, then spoke in objection on his own account.

**Resolved:**

**Refused**

**On the following grounds:**

1. The proposal is contrary to policies CS1 and CS6 of the LDF Core strategy 2008, Policies TRS1, TRS2 and TRS17 of the Tenterden and Rural Sites DPD 2010 and emerging Policies SP6, HOU9, ENV3a and ENV5 of the Ashford Borough Local Plan 2030 (submission version), and the National Planning Policy Framework, and would therefore represent development contrary to interests of acknowledged planning importance and for the following reasons:
  - (a) The siting of a mobile home of this scale represents an inappropriate and intrusive feature in the countryside to the detriment of its character and appearance.
  - (b) The proposed use of the caravan would unacceptably impact on the amenity of adjoining properties through noise and disturbance.

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<b>Application Number</b>	18/00125/AS
<b>Location</b>	Oakwood Cottage, Etchden Road, Bethersden, Ashford, Kent, TN23 3BZ
<b>Grid Reference</b>	96004/22125
<b>Parish Council</b>	Bethersden
<b>Ward</b>	Weald Central
<b>Application Description</b>	Erection of cabin/lodge and change of Use of both Cabin/Lodge and land to a Wedding Facility, Siting of a Wedding Marquee and Service Tent, hardstanding, decking and canopy and Change of Use of Land for Parking Guest Cars for 15 Weddings held between April and October Each Year (retrospective)

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<b>Applicant</b>	Mr and Mrs Turner Oakwood Cottage, Etchden Road, Bethersden, Ashford, Kent TN23 3BZ
<b>Agent</b>	Mrs Helen Whitehead Price Whitehead Chartered Surveyors Forstal Farm, Appledore Road, Tenterden TN30 7DF
<b>Site Area</b>	0.42 hectares
(a) 7/ 4R	(b) Bethersden - R (c) KHT – R, KCCE – R, WT – R, KWT – R, EP - R

The Head of Development Management and Strategic Sites advised Members that this application had been deferred to allow the applicant to submit further information.

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<b>Application Number</b>	17/01511/AS
<b>Location</b>	Godinton House, Godinton Road, Ashford, Kent
<b>Grid Reference</b>	00635/42688
<b>Ward</b>	Godinton (Ashford)
<b>Application Description</b>	The change of use from snooker hall and 2nd floors - Use D2) and part change of use of retail (ground floor use Class A1) to residential end use, to include the erection of a four storey side extension (south-east) and the creation of a recessed upper floor (4th) to to comprise, in total, twenty eight apartments (1 no. 3-bed, 15 no. 2-bed and 12 no. 1-bed ) along with ancillary works to include basement and surface car parking and landscaping. Part retention of retail use (A1) on ground floor
<b>Applicant</b>	R&W holdings Ltd c/o Agent
<b>Agent</b>	Kember Loudon Williams, Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, TN3 9HA
<b>Site Area</b>	0.3 hectares

- (a) 69/ 1R 1X (b) (c) ABC Refuse R, AAG X, EA X, EHM (EP) X, HM X, HCS X POL X, KCC (DCU) X, KCC flooding X, NE X, SW X, KHS X, PCT X, KCC (Ecology) X

Amends

ABC Refuse X, KCC (DCU) X, KHS X

96/4 R 1X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Three further objections had been received; these were précised to the Committee. Comments had also been received from the Councils Environmental Protection Team.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1 of the report, 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, Strategic Sites and Design, or the Development Control Managers to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as they see fit.**

**Table 1**

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1.	Libraries contribution Towards the additional bookstock required to meet the demands of the additional borrowers from this development at Ashford Library	£48.02 per dwelling	Upon occupation of 75% of the dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
2.	Outdoor Sports Pitches Contributions towards new/additional changing facilities for Courtside outdoor sports area at Stanhope	£1,589 per dwelling for capital costs  £326 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
3.	Strategic Parks  Contributions towards park furniture, for new seats and benches (Victoria Park).	£146 per dwelling for capital costs.  £47 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
4.	Informal/Natural Green Space  Contributions towards improvements towards Watercress Fields riverside projects to improve access, interpretation and education	£434 per dwelling for capital costs  £325 per dwelling for maintenance	Upon occupation of 75% of the dwellings
5.	Allotments  Contributions towards improvement to allotment infrastructure at Repton and Westrees to include improved parking security and access	£258 per dwelling for capital costs  £66 per dwelling for future maintenance	Upon occupation of 75% of the dwellings
6.	Children's and Young People's Play Space.  Contributions towards Play improvements would be towards	£649 per dwelling for capital costs  £663 per dwelling for maintenance	Upon occupation of 75% of the dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	provision for toddler play equipment: swings		
7.	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years

## **B) Permit**

### **Subject to the following conditions and notes:**

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

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

### **Approved plans**

2. The development hereby permitted shall be carried out in accordance with the following approved plans TBC

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interest of visual amenity.

### **Highways**

3. The area shown on the drawing numbers 1101-P80 D and 1101-P81 and as vehicle parking spaces, garages and turning shall be provided before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

The code shall include,

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

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5. The bicycle storage facilities shown on the approved drawing 1101-P80D shall be provided prior to occupation of the development and shall thereafter be retained.

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

6. The access details shown on the approved plans shall be completed prior to the use of the site commencing and shall thereafter be retained in accordance with the approved plans

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

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

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

8. Imperforate balustrades shall be installed on the balconies that will be exposed to noise levels exceeding 55dB and Class A acoustic insulation will also be applied to those same balcony undersides and soffits to provide a reduction in noise levels at these locations prior to the occupation of the flats and shall thereafter be retained.

**Reason:** to mitigate excess noise for future occupiers.

### **Contamination**

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- i. A preliminary risk assessment which has identified:
- all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.

- ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved

**Reason:** To ensure that the development is not put at unacceptable risk from or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework. The submitted Desktop Study & Environmental Ground Appraisal Report (ref. GE16282rev3-GAR-MAY-17, version 1.0), dated 29/09/2017, prepared by Geo-Environmental is considered sufficient to discharge part 1 of the above condition. We concur with the recommendations of the report that further ground investigation works are necessary to fully delineate the contamination on site.

10. Prior to any part of the permitted development being occupied a verification report demonstrating the 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.

**Reason:** To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.

11. 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 a remediation strategy detailing how this contamination will be dealt with has

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been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

12. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details

**Reason:** To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. We suggest that approval of piling methodology is further discussed with the EA when the guidance has been utilized to design appropriate piling regimes at the site

14. Prior to occupation of the first dwelling a foul drainage strategy detailing the proposed means of foul disposal and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme and timetable.

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

15. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall

demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters

**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 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.

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

a) a timetable for its implementation, and

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

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

17. The development during its construction only 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

### **Water efficiency**

18. Each apartment shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

**Reason:** In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable

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

19. Prior to the first occupation of the premises, 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 Use

20. 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 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 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

### **Landscaping**

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

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

22. The details of soft landscape works required in condition [21] above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

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

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

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

24. 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.

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

**Remaining detail**

25. Details of the following shall be submitted to and approved by the Local Planning Authority in writing before development is commenced and the development shall be carried out in accordance with the approved details:
- (a) Balcony structures – to include detail of connections between glass panels to balustrade and means of fixation to wall
  - (b) Joinery detail (including panel detail) to all external windows and
  - (c) Degree of setback of all windows and doors
  - (d) Details of doors, rainwater goods, eaves, fascia and entrance canopies (including materials and finish), details of any supporting posts and related brick plinths and roofing materials.
  - (e) Refuse areas to the commercial units.

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

**Ecology**

26. 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 biodiversity

**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,
  - was provided with pre-application advice
  - the applicant/ agent responded to our initial contact, agreed to a design review and was provided the opportunity to submit amendments to the scheme/ address issues.
  - The application was dealt with/approved without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. 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.
  3. “A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.
  4. The following points should be considered wherever soakaways are proposed at a site:
    - Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hard-standings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.

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- Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).
  - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table.
  - A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater.
  - Please note that the use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse.
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<b>Application Number</b>	18/00673/AS
<b>Location</b>	Woodacre, Ingleden Park Road, Tenterden, Kent TN30 6NS
<b>Grid Reference</b>	89247 34490
<b>Parish Council</b>	Tenterden
<b>Ward</b>	Tenterden North
<b>Application Description</b>	Demolition of existing garage and construction of a new 3 bed dwelling
<b>Applicant</b>	Mr and Mrs Carter
<b>Agent</b>	Mr Aron Turney, Scandia-Hus Ltd, Oakleigh House, Scandia-Hus Business Park, Felcourt Road, Felcourt, East Grinstead, RH19 2LP
<b>Site Area</b>	0.11 hectares
(a) 13/5R	(b) TTC R
	(c) TDRA R KCC Bio X

In accordance with Procedure Rule 9.3 Mr Taylor, a local resident, spoke in objection to the application. He advised that he resided opposite the application site which was adjacent to ancient woodland. He raised concerns regarding the protection of species within the site and woodland. A number of trees had been removed from the site in readiness for this development. The application stated that the existing garage would be demolished, however following permission for this it had not been constructed, instead a large shed had been installed. The proposal was overwhelmingly opposed by residents, Tenterden Town Council and Tenterden and District Residents Association. The property on the site had already been extended and further development of this site would result in a loss of private open space. Additionally there would be a loss of visual amenity and the proposal was not in keeping with the character of the street. A 3/4 bedroom house in this location would be overbearing and harmful to the amenity of neighbouring properties. Mr Taylor concluded that the number of objections to the application were clear and he requested that the Committee considered the application carefully.

In accordance with Procedure Rule 9.3 Ms Gandolfo, a local resident, spoke in support of the application. She advised that she was the owner of Woodacre and the applicants were her daughter and son in law, who had recently married and wished to return to the area to live. They were both active members of the community and worked locally. They had a desire to move back to the area in which they grew up to live and to raise a family of their own. Ms Gandolfo was half Italian and as part of their culture they put family first, she viewed this application as a way to assist her daughter and son in law in creating their forever family home. In respect of the removal of trees, one diseased oak tree had been removed, along with one dead cherry tree, neither of these had been the subject of a TPO. In addition to writing to neighbours regarding the proposal they had also spoken to the neighbour at Silver Hill Halt and taken on board the concerns raised and had made adaptations to overcome these. There had been no objections from those that would be most affected by this proposal. The proposal was in keeping with the road and was at the end of a cul de sac. The Officers report supported the proposal and she hoped Members would see the merits of granting permission.

**Resolved:**

**Permit**

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

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

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

2. 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,

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unless otherwise agreed by the Local Planning Authority.

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

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

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

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

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

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

- Wheel washing facilities/measures to prevent debris and spoil and the discharge of surface water onto the public highway,
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction,
- Provision of parking, turning and unloading facilities for delivery vehicles.

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

**Reason:** In the interests of highway safety and to protect the amenities of local residents in accordance with policy.

6. 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 or Public Holidays.

**Reason:** To protect the amenity of local residents in accordance with Policy CS1 of

the Local Development Framework Core Strategy.

7. The development shall not be occupied until details of the bicycle storage facilities showing a covered and secure space have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to the first occupation of the dwellings hereby approved 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.

8. The area shown on approved Drawing No. SP02 as vehicle parking space and turning shall be provided, before the first occupation of the dwelling hereby approved 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.

9. The first 5m of the access hereby approved from the edge of the highway shall be constructed of a bound surface. This shall be provided prior to its first use and maintained as such.

**Reason:** To ensure that no gravel 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.

10. Prior to the commencement of development, details of any external lighting proposed (including height, design, location, intensity and light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be carried out in strict accordance with the approved details and thereafter maintained. No external lighting shall be installed on the site other than that approved without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and biodiversity and protection of the ancient woodland.

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 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.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any other Order or any subsequent Order revoking or re-enacting that Order, the dwelling 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.

**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.

13. 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.

14. Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The walls and fences shall then be erected 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.

15. The dwelling hereby approved shall not 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.

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

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

17. Details of the final level for the development, including slab level of the dwelling hereby approved, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of works and the development shall be carried out in accordance with the approved levels.

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

18. Before the first occupation of the building hereby permitted the windows at first floor level in the south west facing elevation shall be fitted with obscure glazing, fixed shut and shall be permanently retained in that condition thereafter.

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

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

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<b>Application Number</b>	18/00765/AS
<b>Location</b>	Bockhanger Community Centre, Bybrook Road, Kennington, Ashford, Kent, TN24 9JE
<b>Grid Reference</b>	601469/144493
<b>Ward</b>	Bybrook
<b>Application Description</b>	Application for prior notification of proposed demolition of existing community building
<b>Applicant</b>	Ms Victoria Couper, Corporate Property and Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Agent</b>	Ms Victoria Couper Corporate Property and Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

**Site Area**

(a) 6R                                      (b) -                                      (c) ESM X

The Principal Strategic Sites Planner & Urban Designer drew Members' attention to the Update Report. A representation had been received from Councillor Bartlett as KCC Member for Ashford Central.

In accordance with Procedure Rule 9.3 Mr Morley, a local resident, spoke in objection to the application. The provision of good quality infrastructure was fundamental to a sustainable community and was noted within the draft Local Plan 2030. There was a clear benefit to such community facilities and should such facility be demolished then where would community events and meetings be held? The loss of this facility would be regrettable. Future provision should be considered before a decision was taken to demolish the current building. In conclusion, Mr Morley felt that the removal of this facility was contrary to emerging Local Plan policies.

The Adjoining Ward Member attended and raised concerns about the application.

**Resolved:**

**Prior Approval is not Required**

**Notes to Applicant**

- (a) The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.
- (b) In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
- (c) The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.
- (d) Any asbestos present should be removed safely by competent contractors.

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Queries concerning these Minutes?

Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk) or 01233 330499

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