

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14th November 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

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

### Also Present:

Cllrs. Bartlett, Feacey, Pickering.

Head of Development Management and Strategic Sites; Principal Planning Officer; Chilmington and Design Team Leader; Strategic Applications Team Leader; Local Transport and Development Planner - Kent County Council Highways and Transportation (MH); Local Transport and Development Planner - Kent County Council Highways and Transportation (AM); Tree Officer; Director (Place and Space); Head of Planning and Development; Head of Culture; Senior Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 224 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he was a Member of KCC.	226 – 17/01589/AS 227 – TPO/18/00008 128 - 18/01196/AS 15/00856/AS 18/00652/AS 17/01917/AS 17/01646/AS 18/00572/AS
Bennett	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	128 – 15/00856/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society. He also declared that he lived in Magpie Hall Road but he did not own property there.	128 – 15/00856/AS 15/00856/AS

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Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	128 – 15/00856/AS
Clokie	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society and the Tenterden and District Residents Association.	128 – 15/00856/AS 18/01196/AS
Dehnel	Made a Voluntary Announcement as he was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 18/00652/AS
Heyes	Declared an Other Significant Interest as he lived close to the site. He would speak as Ward Member and then leave the Chamber, which he did.	128 – 17/01589/AS
Hicks	Made a Voluntary Announcement as she lived on Magpie Hall Road, but at the opposite end from the site. She also declared that she was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 15/00856/AS 18/00652/AS
Ovenden	Made a Voluntary Announcement as he was a Member of Wye Parish Council	128 – 17/01646/AS
Wedgbury	Made a Voluntary Announcement as he was a member of Kingsnorth Parish Council.	128 – 15/00856/AS 18/00652/AS

## **225 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 17<sup>th</sup> October 2018 be approved and confirmed as a correct record.**

## **226 Site Visit - 17/01589/AS - Land adj and rear of 5 and 7, Kings Avenue, Ashford, Kent**

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

### **Resolved:**

**Refuse on the following grounds:**

The proposal would be contrary to adopted policies CS1 and CS9 of the Local Development Framework Core Strategy (July 2008), saved Policies EN16 and HG5 of the Ashford Borough Council Local Plan 2000, Policies SP1, SP6, HOU3a and TRA3a, of the Ashford Local Plan 2030 (Submission Version December 2017), Supplementary Planning Guidance/Document (Residential Parking and Design Guidance SPD 2010) and to Central Government advice contained in the Chapter 12 (achieving well designed places) National Planning Policy Framework (July 2018), and is therefore considered development harmful to the interests of acknowledged planning importance for the following reasons:

1. The proposals represent an overdevelopment of the site resulting in a cramped appearance out of keeping with the surrounding area.
2. The proposals lack sufficient car parking which will lead to an increase in parking on Kings Avenue causing inconvenience to existing residents and potential future residents of the development as well as existing local road users
3. The proposed access to the site is very constrained and access by any vehicle other than the private car would be difficult and would prevent access by emergency vehicles.

## **227 TPO/18/00008 – Confirmation of Tree Preservation Order No. 8, 2018 - Land East of Lantern House, St Stephens Walk, Ashford**

Resolved:

To confirm the Order notwithstanding the objection.

## **228 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 '-'

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

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<b>Application Number</b>	18/01196/AS	
<b>Location</b>	The Surgery, Ivy Court, Recreation Ground Road, Tenterden, Kent ,TN30 6RB	
<b>Grid Reference</b>	88581/33298	
<b>Town Council</b>	Tenterden Town Council	
<b>Ward</b>	Tenterden South	
<b>Application Description</b>	Alteration and extension to the existing GP Surgery with associated parking	
<b>Applicant</b>	Ivy Court GP Surgery	
<b>Agent</b>	Mr Graham, The Duncan and Graham Partnership, 8 Cecil Square, Margate, Kent, CT9 1BD	
<b>Site Area</b>	0.12 ha	
(a) 8/2X, 3S	(b) S	(c)

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Three additional comments in support of the application had been received.

In accordance with Procedure Rule 9.3, Dr Mirza, on behalf of the applicant, spoke in support of the application. He said Ivy Court Surgery was recognised as an innovative practice, and were well aware of the need for more effective healthcare. The recent outstanding CQC rating highlighted the surgery as being responsive to patient needs. Patients needed this expansion to continue receiving first class health care. The national drive focused on care being delivered closer to home, with an increasing number of services moving to primary care. Expansion was required to deliver on this national plan. The provision of these services would serve Tenterden and surrounding areas. Without the extension patients in these areas would not receive these services closer to home. Many patients were frail and unable to travel to Ashford for treatment so it was vital to deliver care closer to home. Delivery of the extension would facilitate provision of new patient groups, classes and clinics. There was a current recruitment crisis in general practice and evidence showed that doctors often returned to work in their area of training. The surgery planned to take on large numbers of medical students, which would increase the number of future doctors working in the Ashford area. Hosting groups, services and medical students demanded more space. Without expansion the surgery could only provide healthcare for the current population and could not cater for new local

housing developments. Refusal of this application would lead to a state of stagnation. The CCG and NHS England had identified the surgery as disadvantaged in terms of health care space, with a substantial sum provisionally agreed to redevelop the surgery and this could not be postponed. The funding would not be available again. Dr Mirza asked Members to support the application.

One of the Ward Members for an adjacent ward spoke in support of the application.

Members considered that in the surrounding area there were a number of three storey buildings. The proposed alterations and extension were of good quality design. Currently the surgery was operating well over its capacity.

**Resolved:**

That Members considered the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

**Permit**

Subject to the following conditions:-

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

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

- 2 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 within 1 month of the commencement of development and the development shall be carried out using the approved external materials.

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

- 3 The area shown on the drawing number 15.036 17 as vehicle parking spaces shall be provided before the use of the first and second floors are first brought into use 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 new first and second floor accommodation first being brought into use

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the bicycle parking shown on drawing number 15.036 17 shall be completed 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.

- 5 In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
- a, No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and approved tree survey, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 *Recommendations for Tree Work*).
- b, If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

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

- 6 A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the commencement of development. 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.

- 7 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. The submitted details shall include the following information:
- Details to demonstrate that the surface water run off generated by the development can be accommodated and disposed of without an increase in on or off site flood risk (for all rainfall durations and intensities up to including the climate change adjusted critical 100 year storm);
  - Identification of the proposed discharge points from the system, and;
  - A timetable for provision of the system and arranges for future maintenance (including type, frequency and responsibility for maintenance).

The works shall be carried out and maintained in working order in accordance with these approved details.

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

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

- a) Parking and turning areas for construction and delivery vehicles and site personnel
- b) Timing of deliveries
- c) Provision of wheel washing facilities

The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 Each non-residential building hereby approved shall be constructed achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall (good/very good/excellent) standard comprising the following minimum elements:

- i) 'Excellent' standard in respect of energy credits
- ii) ('Maximum/excellent') standard in respect of water credits
- iii) ('Excellent/very good') standards in respect of material credits

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

- i) Details of a 'Design Stage' assessment and related certification, and,
- ii) Details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

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



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

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

- 10 Measures to enhance biodiversity shall be submitted to and approved in writing to the Local Planning Authority prior to works commencing above foundation level. These could include but shall not be limited to the following:

- Bat boxes erected within the adjacent vegetation.
- Bird boxes erected on to the building/adjacent vegetation
- Any landscaping planned incorporate native species.

The approved measures shall thereafter be provided on site and retained thereafter.

**Reason:** To enhance biodiversity in accordance with Paragraph 175 of the NPPF, adopted policy CS11 and emerging policy ENV1.

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

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

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

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

### Notes to the Applicant

- 1 Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

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

in the processing of their application

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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- i) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
  - ii) There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
  - iii) No hedging or shrubs should be planted within 1.5 metres of the edge of the public footpath.

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer **no other** permission or consent or right to close or divert any Public Right of Way at any time without

the express permission of the Highway Authority.

That members considered that the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

### Permit

Subject to the following conditions:-

That members considered that the less than substantial harm to the Conservation Area is outweighed by the public benefits of the proposal as set out in Para. 106 of the NPPF and as a consequence Planning Permission should be granted.

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<b>Application Number</b>	15/00856/AS
<b>Location</b>	Land at Pound Lane, Magpie Hall Road, Bond Lane and Ashford Road, Kingsnorth, Kent
<b>Grid Reference</b>	00255/38868
<b>Parish Council</b>	Kingsnorth
<b>Ward</b>	Weald East
<b>Application Description</b>	Outline application for a development comprising of up to 550 dwellings in a mix of size, type and tenure, with all matters reserved except for means of access, height and density. Provision of a convenience store and local recycling facilities. Provision of areas of formal and informal open space. Installation of utilities, infrastructure to serve the development including flood attenuation, surface water attenuation, water supply, gas supply, electricity supply (including sub-station, telecommunications infrastructure and renewable energy). Transport infrastructure including highway improvements in the vicinity of Ashford Road/Magpie Hall Road/Steeds Lane, Pound Lane and Bond Lane, plus an internal network of roads and junctions, footpaths and cycle routes. New planting and landscaping both within the proposed development and on its boundaries as well as ecological enhancement works. Associated groundworks.

<b>Applicant</b>	Pentland Homes Ltd and Jarvis Homes Ltd	
<b>Agent</b>	Ian Bull Consultancy Ltd	
<b>Site Area</b>	51ha	
(a) 807/112R Amnds: 837/46R	(b) PC – R Amnds R	(c) Shad PC – R; GCS PC – X; Bils PC – R; MWS PC – R; KCC Highways – R; HE – R; KCC SuDs – S; ABC Proj – S; EA – X; KCC Prow – R; KCC Her – R; Hist Eng – X; ECC Bio – R; Nat Eng – X; SE – R; ABC ES – X; SE Rail – R; HSE – X; WKPS – R; BHS – X; SWS – X; KWS – R; CPRE – R;  Amnds: Bils PC – R; KCC Highways – R; HE – R; KCC SuDs – X; EA – X; KCC developer contributions – X; KCC Her – X; Hist Eng – X; KCC Bio – R; Nat Eng – X; ABC ES – X; WKPS – X; SWS – X; KMG – R; RA – X; KP – X;  Amnds: KCC Highways – X; KCC Her – X; KCC Bio – X; NHA – X; SWS - X

The Chilmington and Design Team Leader drew Members' attention to the Update Report. The description of the development had been amended and there were further comments from Kingsnorth Parish Council. There were 8 further letters of objection and a letter from the agent for the adjoining site regarding S106 contributions. Highways England had provided further comments, and there were various amendments to the report, additional conditions and amendments to the S106 provisions. There was also a renumbering of the slides shown as part of the screen presentation.

In accordance with Procedure Rule 9.3, Ms McGeever, a local resident, spoke in objection to the application. She lived on land directly opposite the proposed

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development site. She had not had a chance to look at the outline proposal because there had been insufficient time. The proposal went forward on 8<sup>th</sup> November and she only found out about it at a Parish Council meeting the previous evening. She would be directly affected by these building works and believed the complexity and seriousness of the proposals needed more time for consideration. There were many pages in the report and Ms McGeever questioned whether Members had had sufficient time to scrutinise the application and read the report themselves. The lack of people who had commented on the application was indicative of the fact that people didn't know the application was in the public domain. Only 8 or 10 people had objected when in reality there were hundreds of objectors, or there had been in 2015. Ms McGeever understood that the developers of the two Kingsnorth sites were not communicating with each other. In order to get a well-designed and thought out development, those concerned should be talking to each other otherwise there would be separate, piecemeal development. The infrastructure requirements needed to be considered by the Council and the developers. Ms McGeever asked the Committee to delay this application so that everyone had time to consider the proposals more fully.

In accordance with Procedure Rule 9.3, Mr Bull, the agent, spoke in support of the application. He said the application had been promoted through the emerging Local Plan, which identified the site for residential development in policies S4 and S5. The Local Plan had been considered by Inspectors at the Local Planning Examination in June and their post-hearing advice did not raise any objections to those policies. The outline application accorded with policies S4 and S5 and those policies must be afforded significant weight in the determination of the application. This site formed part of the Council's 5 year housing land supply and would deliver open market and affordable housing. Although there were some local objections, there were no substantive issues raised by any statutory consultees. The development would be accessed via the existing highway network with improved junctions. These improvements would deliver significant benefits to the network. KCC Highways did not raise any objections. Highways England had issued a holding objection although this would now be lifted, following submission of the requested information. The Statement of Common Ground confirmed that all parties were satisfied that the strategic highway network could accommodate all Local Plan proposed development. The development would connect to the public foul drainage system and include a comprehensive SUDs system. The developers had held two public exhibitions and met the Parish Council. They would continue to work with local stakeholders throughout the detailed design and delivery. The Officer's report concluded that in addition to compliance with Policies S4 and S5, the scheme would significantly boost the supply of housing in a sustainable location. The report recommended approval subject to conditions. The S106 agreement would deliver affordable housing, development contributions and off-site infrastructure. Mr Bull asked Members to support the Officer's recommendation.

The Ward Member attended and spoke on the application and the need for masterplanning and not treating individual sites in isolation from each other.

The Chilmington and Design Team Leader drew Members' attention to proposed Condition 6 which would require a detailed masterplan workshop to be undertaken prior to the submission of the first reserved matters application.

**Resolved:**

- (A) **Subject to the expiry of the site notice and no further representation of any significance being made, and No further representations being received from those with an interest in the land raising any new issues not covered in this report, and**
- (B) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in Table 1, in terms agreeable the Head of Development Management and Strategic Sites or the Joint Development Control Manager in consultation with the Head of Legal and Democratic Services, with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit,**

**Table 1**

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
1.	<p><b><u>Affordable Housing</u></b></p> <p>Provide not less than 30% of the units as affordable housing, comprising 10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership) 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</p>	<p>Up to 165 units comprising:</p> <p>10% affordable / social rent units and 20% Affordable Home Ownership Products (including a minimum of 10% shared ownership.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more than 80% market rent and in accordance with the registered provider's nominations agreement.		
2.	<p><b><u>Children's and Young People's Play on site</u></b></p> <p>Provision on site of a children and Young Peoples play facility plus door step play.</p>	<p>£541 per dwelling for capital costs (Areas 2, 3 and 4)</p> <p>£663 per dwelling for maintenance (subject to agreeing details of the maintenance regime).</p>	Upon occupation of 75% of the dwellings in Areas 2, 3 and 4.
3.	<p><b><u>Children and Young People's Play off-site</u></b></p> <p><b><u>Project in Kingsnorth to be determined.</u></b></p>	<p>£649 per dwelling for capital costs in Area 1.</p> <p>£663 per dwelling for maintenance</p>	Upon occupation of 75% of dwellings in Area 1.
4.	<p><b><u>Outdoor Sports</u></b></p> <p>Contribution towards local outdoor sports provision off site. Project to be confirmed at either Court Lodge or Chilmington sites.</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings.
5.	<p><b><u>Strategic Parks</u></b></p> <p>Contribution towards local strategic parks provision. Project to be confirmed at Chilmington.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings.
6.	<p><b><u>Informal/Natural Space</u></b></p> <p><b><u>On-site provision of</u></b></p>	On basis of 550 dwellings, a minimum	Upon occupation of 75%

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<b><u>2.65ha to include an element of Public Art.</u></b>	of 2.65hectares of informal/natural public open space to be provided on site to the value of £362 per dwelling for capital costs. and £325 per dwelling for maintenance as per play areas.	of the dwellings.
7.	<b><u>Allotments</u></b> Contribution towards – project to be confirmed on site	£258 per dwelling for capital costs  £66 per dwelling for future maintenance as per play areas.	Upon occupation of 75% of the dwellings
8.	<b><u>Cemeteries</u></b>  Project to be confirmed	£284 per dwelling for capital costs  £176 per dwelling for maintenance	Upon occupation of 75% of the dwellings.
9.	<b><u>Community Building</u></b> Off site contribution towards an existing facility in Kingsnorth, exact project to be determined.	£1,870.83 per dwelling for capital costs  £528.33 per dwelling for maintenance.	Upon completion of 75% of the dwellings.
10.	<b><u>Primary Schools</u></b>  Contribution towards the new 2FE Primary School at Court Lodge	£4,535.00 per 'applicable' house  £1,134.00 per 'applicable' flat	First 50% of the sum on 25% of homes occupied with the remainder on full occupation.
11.	<b><u>Primary School Land</u></b>  Contribution towards the	£2,363.93 per 'applicable' house	First 50% of the sum on 25% of homes occupied with the remainder on full



<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	land at Court Lodge should this prove necessary.	£590.98 per applicable flat	occupation.
12.	<b><u>Secondary Schools</u></b>  Contribution towards the new secondary school at Chilimington	£5,091.60 per 'applicable' house  £1,272.90 per 'applicable' flat	First 50% of the sum on 25% of homes occupied with the remainder on full occupation.
13.	<b><u>Community Learning</u></b>  Provision of additional IT equipment and additional services at Adult Education centres local to the development	£34.45 per dwelling	Upon occupation of 75% of the dwellings
14.	<b><u>Youth Services</u></b>  To provide outreach working and IT equipment	£27.91 per dwelling	Upon occupation of 75% of the dwellings
15.	<b><u>Libraries</u></b>  Contributions for additional bookstock, shelving and service reconfiguration at Stanhope and Ashford libraries and for the new mobile library service in the area.	£108.32 per dwelling	Upon occupation of 75% of the dwellings
16.	<b><u>Social Care</u></b>  Contribution to the provision of social care services at the new Chilmington Green Community Hub	£77.58 per dwelling  Delivery of 6 Wheelchair Adaptable Homes as part of the affordable housing on the	Upon occupation of 75% of the dwellings

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
		site 7.58 per household	
17.	<b><u>Health Care</u></b>  Payment to the CCG for Extension to Kingsnorth Surgery	£423,000	Upon occupation of 75% of the dwellings.
18.	<b><u>Archaeology</u></b>  To provide heritage interpretation measures and funding for a part time community archaeologist for 2 years.	£60,000 for heritage interpretation measures  £40,000 for a part time community archaeologist for a period of two years.	
19.	<b><u>Bus Services</u></b>  Improvements to bus services between the site and Ashford Town Centre to be paid to KCC.	£400,000.00	£120,000 in year 1  £100,000.00 in year 2  £80,000.00 in year 3  £60,000.00 in year 4  £40,000.00 in year 5
20.	<b><u>Romney Marsh Roundabout</u></b>  Contribution towards junction capacity improvement	[£1,871,058.00]	Prior to the commencement of Area 2 or by occupation of the 151 <sup>st</sup> dwelling (whichever is sooner)
21.	<b><u>Junction 10A</u></b>  Contribution towards construction of junction 10A of the M20 To be paid through an agreement with Highways	£1,917,916.00 based on 5.5 DUs plus index linking.  50% prior to commencement fo	Section 278 agreement to be completed before the grant of planning permission.  Payment of the contribution as per the

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	England under section 278 of the Highways Act 1980.	development  25% payable, prior to the completion of one third of the development and 25% payable prior to the completion of three-quarters of the development	section 278 agreement
22.	<b><u>Closure of Bond Lane</u></b>  Bond Lane to be closed in accordance with the Transport Assessment via a S278 Highway Agreement with Kent County Council		Section 278 agreement to be completed before the grant of planning permission.
23.	<b><u>Residential Travel Plan Monitoring Fee</u></b>  Contribution towards KCC's cost of monitoring compliance with the Travel Plan	£5,000.00	£1,000 per annum
24.	<b><u>Footpath Upgrade</u></b>  Contribution towards the creation of a cycle link to Church Hill	£26,000.00	Occupation of 100 units
25.	<b><u>Footpath Upgrade</u></b>  Contribution towards the upgrading of AW318 and AW319 to cycleway	Amount to be confirmed for capital cost and maintenance	Occupation of 200 units
26.	<b><u>Monitoring Fee</u></b> Contribution towards the	£1,000 per annum until development is	First payment upon commencement of development and on the

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	Council's costs of monitoring compliance with the agreement or undertaking.	completed	anniversary thereof in subsequent years
27.	<b><u>Setting up of management company</u></b>	Management company for the community space and facilities to be established.	Prior to the submission of a Reserved Matters submission.
28.	<b><u>Link between Policy S5 and Court Lodge</u></b> To safeguard the land for the road linking Policy S5 to Court Lodge to ensure the land is not used for any other purpose other than as a road	Safeguard the land for a road	Prior to the submission of a Reserved Matters submission for any land within Policy S5, land shall be identified for a vehicular connection to Court Lodge and no development shall be carried out which would prejudice the provision of the road.
29.	<b><u>Quality monitoring</u></b> Contribution towards the Council's cost of monitoring	£20,000 per annum until development is completed.	First payment upon commencement of development and on the anniversary thereof in subsequent years until the development is complete.
30.	<b><u>Provision of a Convenience Store</u></b>	To construct and make available for rent a convenience store of up to 280 sqm prior to the occupation of the 200 <sup>th</sup> dwelling and to actively market the store for not less than 3 years or until first occupation.	
31.	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.  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.		

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

- (C) Grant Outline Planning Permission subject to planning conditions, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 1<sup>st</sup> October 2018.**
1. Standard outline condition A
  2. Standard outline condition B
  3. Development carried out in accordance with the approved plans
  4. Phasing plans to be submitted
  5. Development in accordance with the ES
  6. Detailed masterplan workshop to be undertaken prior to the submission of first RM application
  7. Construction Environment Management Plan
  8. Parking details to be submitted
  9. Bicycle storage
  10. Pound Lane/Church Hill/Ashford Road signal junction to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
  11. Magpie Hall Road/Ashford Road/Steeds Lane junction realignment to be provided prior to the commencement of Area 2 or by occupation of the 151st dwelling, whichever is earlier.
  12. Visibility splays on Ashford Road to be provided prior to the occupation of any dwellings in Area 2 or 3.
  13. Visibility splays and Bond Lane widening to be provided prior to occupation of any dwellings in Area 3.
  14. Steeds lane access and visibility splays to be provided prior to occupation of any dwelling in Area 4.

15. Bus stops, raised kerbs and shelter to be provided on Ashford Road prior to commencement of Area 2 or by occupation of 151st dwelling, whichever is earlier.
16. Existing bus stop and shelter on Ashford Road to be moved north prior to commencement of Area 2 or by occupation of 151st dwelling whichever is earlier.
17. Travel plan to be submitted prior to occupation of first dwelling.
18. Detailed plans of footway upgrades to be submitted.
19. Details of external appearance
20. Level thresholds
21. Hard and soft landscaping to include advance planting
22. Landscape management plan
23. Landscaping implementation to include advance planting
24. Design and implementation of public community space and facilities.
25. Protection of trees
26. Details of earthworks
27. Detailed SUDs strategy to be submitted.
28. No infiltration to the ground permitted.
29. Verification report to be submitted.
30. Details of foul drainage to be submitted.
31. High speed fibre optic broadband to be provided.
32. Archaeology – programme of building
33. Archaeological field evaluation
34. Historic landscape assessment
35. Fencing to protect heritage assets.
36. Heritage Conservation and Interpretation Strategy.
37. Site wide biodiversity mitigation strategy
38. RM to include biodiversity statement

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39. Biodiversity Enhancement Strategy
  40. Landscape and Ecological Management Plan
  41. Internal sound levels – residential
  42. Noise rating level – night
  43. Noise rating level – day
  44. Electric charging points
  45. Space standards
  46. Refuse
  47. Broadband
  48. Reserved matters application to include footpath and cycleway links
  49. Reserved matters to comply with DAS (character areas)
  50. No more than 200 dwellings of the development hereby permitted shall be occupied until the Bellamy Gurner improvement to the A2070, Waterbrook Avenue/ The Boulevard roundabout shown on Bellamy Roberts drawing No's 3651/RM/002A, 3651/RM/003A and 3652/RM/002A (or such other scheme that substantially accords with the principles of the scheme, as may be approved in writing by the local planning authority and Highways England and KCC Highways) have been completed and opened to all traffic.  
  
**Reason:** To ensure that the A2070 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirement of road safety.
  51. Restricting occupation to 200 dwellings until the improvements to the A2070 Waterbrook Avenue/ The Boulevard roundabout have been completed.
  52. Prior to the submission of reserved matters applications in Areas 1 and 2, details of the proposed roads from Ashford Road to the Court Lodge development shall be submitted and approved in consultation with the Local Highways Authority.

### Notes to Applicant

1. S106 Agreement

2. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by:

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

In this instance

- was provided with pre-application advice,
- The applicant 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.

In accordance with Procedure Rule 15.5 Cllr Wedgbury requested that his vote against the motion to approve be recorded.

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<b>Application Number</b>	18/00652/AS
<b>Location</b>	Land south of Park Farm East, Hamstreet Bypass, Kingsnorth, Kent
<b>Grid Reference</b>	020004/38255
<b>Parish Council</b>	Kingsnorth
<b>Ward</b>	Weald East



<b>Application Description</b>	Full planning application for 353 dwellings, new accesses from Finn Farm Road, Cheeseman's Green Lane and Brockman's Lane and creation of a T-junction between Finn Farm Road and Rutledge Avenue. Creation of a new access serving 1,3,5,7 and 9 Finn Farm Road. On-site highway works together with associated parking, infrastructure, drainage, open space, landscaping and earthworks		
<b>Applicant</b>	Taylor Wimpey UK Ltd and Persimmon Homes Ltd		
<b>Agent</b>	Barton Willmore LLP, The Observatory, Southfleet Road, Ebbs fleet, Dartford, United Kingdom, DA10 0DF		
<b>Site Area</b>	21.51 ha		
(a) 191/ 8 X, 14 R	(b) X	(c)	ABC Culture X, ABC Housing X, PO (Drainage) X, CCE X, CCG (Ashford) X, EA X, EHO X, HE X, KCC (Ecol) X, KCC (Dev Contribs) X, KCC Heritage X, KH&T X, KCC (LLFA) X, POL X, SW X, Stagecoach X, UK Power X

The Strategic Applications Team Leader drew Members' attention to the Update Report. The applicants had submitted a refined layout and there was an insertion into Table 1.

In accordance with Procedure Rule 9.3, Ms Wilford, the agent, spoke in support of the application. The development proposals had come forward in line with the site allocation after engaging in extensive pre-application discussions with Officers and statutory consultees on the form and layout of the development proposals. The applicant had also engaged in a stakeholder workshop, a public exhibition and the Kent Design Review Panel. The proposals were a natural extension to the development at Bridgefields. The access arrangements had been subject to extensive discussions, particularly with Kent Highways Service, who supported the improved junction arrangement over the Hastings railway. A new pedestrian route had been secured, providing continuous connection over the Hastings railway bridge and along Finn Farm Road, connecting with Bridgefields and Kingsnorth. The built development was set outside areas of flood risk. The EA, KCC and Ashford Drainage raised no objection to the proposals on drainage grounds. 30% of the homes would be affordable in line with policy. All homes would meet building regulations in excess of the emerging policy requirement of 20%. All homes would comply with the Council's internal/external space standards and emerging parking

standards. There were extensive areas of public open space on the site's western boundary, providing an extension to the Green Corridor. Cycle and pedestrian routes were also incorporated, as well as a large area of equipped play. The development respected the setting of the site and adjacent development. The proposals would secure the delivery of a high quality development and Ms Wilford asked Members to endorse the Officer's recommendation to approve.

The Ward Member attended and spoke on the application.

### Resolved:

- (A) Subject to resolution, to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, of (i) any outstanding matters of fine detail relating to layout, streets and spaces and the approval of amended plans as appropriate, and (ii) any remaining on-site / off-site highway matters (including those proposed to be the subject of mitigation set out in Table 1) with Kent Highways & Transportation and/or Highways England, and,
- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Development Management and Strategic Sites 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/he sees fit,

### Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1.	<p><b>Affordable Housing (on site)</b></p> <p>Provide not less than 30% of the units as</p>	<p>Provide on-site not less than 30% of the units as affordable housing comprising</p>	TBC

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	affordable housing	<p>33 % Affordable Social rent units and 66% Affordable Home ownership products (including a minimum half of which is Shared Ownership). The affordable housing shall be managed by a registered 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>	
2.	<b>Primary Schools</b>  Contribution to KCC towards a New 2FE Primary School at Court Lodge Kingsnorth	<p><u>£1,515,970.82 total</u> (£1,134 per applicable flat &amp; £4,535 per applicable house)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of</p>	TBC

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
		'applicable'	
3.	<p><b>Primary School Land</b></p> <p>Contribution to KCC towards 2.05ha land acquisition costs at Court Lodge, Kingsnorth for a new 2FE primary school should this prove necessary.</p>	<p><u>£790,142.16 total</u></p> <p>(£2,363.93 per applicable house &amp; £590.98 per applicable flat)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of 'applicable'</p>	TBC
4.	<p><b>Secondary Schools</b></p> <p>Contribution to KCC towards the Provision of an additional 2FE at the new Chilmington Secondary School</p>	<p><u>£1,566,562.90 total</u></p> <p>(£4,115.00 per applicable house &amp; £1,029.00 per applicable flat)</p> <p>1-bed homes less than 56 sqm GIA excluded from definition of 'applicable'</p>	TBC
5.	<p><b>Strategic Road Network: (A) Junction 10A &amp; (B) improvement of visibility at the Sheepfold Lane junction</b></p> <p>(A) Contribution to HE towards</p>	<p>(A) Proportionate contribution</p>	<p>(A) Section 278 agreement to be</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p>construction of junction 10A of the M20 to be paid through an agreement with Highways England under section 278 of the Highways Act 1980</p> <p>(B) Negotiation, provision and maintenance of an improved visibility splay over HE land to assist with the safe exit from Sheepfold Lane given the approach speeds of traffic travelling northwards on the A2070 towards the junction</p>	<p>TBC (unless shown to be unjustified)</p> <p>(B) TBC</p>	<p>completed before the grant of planning permission. Payment of the contribution as per the section 278 agreement</p> <p>(B) Section 278 agreement with HE to be completed</p>
6.	<p><b>Local primary and community health service.</b></p> <p>Contribution to CCG (Ashford) towards capacity expansion of Kingsnorth Medical Practice</p>	£269,000	TBC
7.	<p><b>Local Road Network 1: Romney Marsh Roundabout (RMR)</b></p> <p>Contribution to KCC towards improvements</p>	[£554,108] or such other proportionate	TBC

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	that are a direct result of the impact of the scheme on the RMR	sum as may be justified	
8.	<b>Local Road Network 2:</b>		
	(A) Strategy for the procurement, funding and provision of temporary / permanent pair of bus stops and pair of bus shelters including an Traffic Regulation Order necessary to achieve bus clearways	(A) To be agreed	(A) To be agreed
	(B) Funding the costs of making a Traffic Regulation Order to close the identified stretch of Finn Farm Road to vehicular traffic	(B) To be agreed	(B) To be agreed
	(C) Entering into a s.278 Highways Act agreement to deliver lockable bollards, signage, cyclist on demand light control at Finn Farm Road bridge together	(C) To be agreed	(C) To be agreed

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<p>with (as may be required by KH&amp;T) surfacing alterations and white line removal to the stretch of Finn Farm Road to be closed to vehicular traffic</p> <p>(D) Enter into a s.278 Highways Act agreement to provide a new path over Finn Farm Road bridge westwards to connect to the eastern end of the path system that ceases at the Finn Farm group of converted buildings</p>	(D) To be agreed	(D) To be agreed
9.	<p><b>Informal/natural Green Space</b></p> <p>On-site provision of a minimum 1.70 hectares of useable informal space through a combination of Buttesland Copse (the primary contributor) and the Linear Park (providing a top-up</p>	<p>1.1ha (Buttesland Copse)</p> <p>0.6ha top-up (from the Linear Park)</p> <p>Total: 1.70ha to be privately managed and be designed to a capital value of £127,786 with management</p>	TBC

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	area of space) to include an element of Public Art to be agreed	provision of £114,725 in lieu of commuted maintenance plus on-going management funding from residents	
10.	<b>Allotments</b>  Contribution towards off-site provision in lieu in the locality	£114,372 total  (£91,074 capital value scheme with commuted maintenance sum of £23,298)	TBC
11.	<b>Outdoor Sports Pitches</b>  Contribution towards the Finberry hub of facilities which will provide outdoor sport provision including a 3G pitch	£676,895  (£560,917 capital value contribution with associated commuted maintenance sum of £115,978)	TBC
12.	<b>Strategic Parks</b>  Contribution sought towards specific projects TBC at Conningbrook Park, Ashford	£68,129 total  (£51,538 capital value contribution with associated commuted maintenance sum of £16,591)	TBC
13.	<b>Community Learning</b>  Contribution to KCC towards Adult	£12,161,45 total	

**Commented [LJ1]:** Can't we get allotments on-site?  
**Commented [RM2R2]:** Doubt it in the space available



	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	Education Centre local to Kingsnorth to provide IT, equipment and additional services	(£34.45 per dwelling)	TBC
14.	<b>Social Care Contribution (1)</b>  Contribution to KCC towards improvements to Fairlawns Respite Centre, Ashford	£19,912.73 total  (£56.41 per dwelling)	TBC
15.	<b>Social Care Contribution (2)</b>  Provision of adaptable homes as part of the affordable housing provision	x 4 wheelchair adaptable homes (location, size to be agreed) in order to meet social care needs.  2 x 2-bedroom homes to be constructed as wheelchair accessible	TBC
16.	<b>Library book-stock</b>  Contribution to KCC towards Stanhope Library for additional book-stock and shelving	£64,773.79 total  (£183.50 per dwelling)	TBC
17.	<b>Youth Services</b>  Contribution to KCC towards additional equipment at Kingsnorth to enable	£9,851.68 total  (£27.91 per dwelling)	TBC

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	Outreach Service provision		
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	First payment upon commencement of development and on the anniversary thereof in subsequent years
19.	<p><b>Governance</b></p> <p>Management and maintenance arrangements for all areas to be maintained (excluding the Ecological Area) via service charge to residents including details of resident participation &amp; representation</p>	To be agreed	TBC
20.	<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>		
21.	<p>The contributions to KCC are to be <u>index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment</u> (Oct-16 Index 328.3) and are valid for 3 months from the date of KCC's request after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.</p>		

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**(C) PERMIT**

**subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018**

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Development phasing plan to be submitted
4. Construction Management & Logistics Plan (including Code of Construction Practice, hours of working, site personnel parking, wheel washing, hours for any construction traffic to travel to the site via Violet Way Kingsnorth) to be approved
5. Approved parking to be provided, interior of shared car barns not to be altered through subdivision by additional fences or walls & permitted development rights removed for attachment of doors or shutters to car barns
6. Bicycle storage to be provided with submission of further details as necessary
7. Visibility splays as required to be provided & protected by KH&T
8. Travel plan
9. Provision of level thresholds
10. Hard landscaping (including details of materials, fencing, bollards, seating and the provision of a finger sign to features of landscape interest at an appropriate point at Buttesland Copse and a parish notice board)
11. Soft landscaping, including 10 year period of maintenance
12. Tree pit details
13. Protection of retained trees and hedgerows
14. Details of earthworks
15. SUDs & minimum floor levels for housing development areas
16. Foul drainage
17. High speed fibre optic broadband to be provided.
18. Archaeology
19. Biodiversity mitigation strategy (including implementation)

20. Bat and bird boxes
21. Materials, fenestration and boundary details
22. Landscape and Ecological Management Plan (including proposed long term management of the identified Ecology Area)
23. Internal sound levels – residential
24. Electric charging points at houses, flats over parking and apartments
25. Remediation
26. Water efficiency
27. Highways adoption related to phases (including Main Street providing access to Bridgefield)
28. Monitoring
29. Sensitive lighting
30. Proposed governance of open and informal space and any other areas (excluding the Ecology Area)

**Notes to Applicant**

1. S.106 agreement
2. Working with the applicant
3. Materials to be of high quality
4. Proposed purchasers to be aware of inability of car barns to be altered through attachment of doors
5. Proposed purchasers to understand the arrangements for the proposed governance of space, including space forming the frontage to plots, and take professional advice as necessary

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**Application Number** 17/01917/AS

**Location** Thruxted Mill, Penny Pot Lane, Godmersham, Canterbury, Kent CT4 7EY

**Grid Reference** 09418/50974

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<b>Parish Council</b>	Godmersham	
<b>Ward</b>	Downs North	
<b>Application Description</b>	The demolition of the existing structures and hardstanding on the site and the erection of up to 20 dwellings with improved vehicular access and extensive areas of planting and landscaping. (All matters reserved except for access from Penny Pot Lane and quantum of development).	
<b>Applicant</b>	Trevor Heathcote LLP	
<b>Agent</b>	DHA Planning Ltd, Eclipse House, Eclipse Park. Sittingbourne Road, Maidstone, Kent ME14 3EN	
<b>Site Area</b>	1.94 hectares	
(a) 3/28R & 1S	(b) Godmersham - S; Petham – R; Waltham – R; Canterbury CC - R	(c) KH&T – X; KCC ECO – X; SW – X, KCC SuDS – X; PO (Drainage) – X; AONB Unit – +; KCCDC – X; KCC Heritage - X; NHS – X; KWT – R, EP – X; SSoS – X; Culture & Env – X; Kent Police – X; UK Power Networks – X; CPRE – R; Ramblers – X; Woodland Trust – R; Forestry Commission -; KCC PROW – X; NE – X; EA - X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. There were three further letters of representation from neighbours, and one objector had requested that their comments be appended to the Update Report in full. A letter had also been received from solicitors representing a local resident.

In accordance with Procedure Rule 9.3, Dr Meaden, a local resident, spoke in objection to the application. There were many reasons to object to this proposal. The traffic assessment was flawed. For local people it was irrelevant to compare estimated traffic of ten years ago with the levels of future traffic. Residents' concern was whether this housing development would significantly increase traffic above present levels, which it certainly would do. The Mill site was extremely isolated from all services and infrastructure, including public transport. Thus, this site fitted the NPPF definition of being unsustainable. The NPPF also stated that building on an AONB should only be allowed under exceptional circumstances and there were none in this case which would make it vital to build houses on this site. When details of

this planning application were first published, no mention was made by any main agencies or groups involved that the site had been used after 1998 for the rendering of highly infected farm animals suffering from BSE. This was an inexcusable information deficit by these groups who should have had access to the relevant information. Dr Meaden said that he was familiar with the history of the Mill, and during the BSE crisis local people had reported the dumping of carcasses and animal material around the yard. Dr Meaden's concerns regarding BSE and CJD were still relevant to this day as the Prion agents involved were almost indestructible, could be spread in a number of ways and could lay dormant for many years. If planning permission was allowed, the Council would need to demonstrate that the site could be made 100% safe for residential use, with special conditions imposed relating to BSE. They would need to consult with the UK Medical Research Council's Prion Unit. The Officer's report showed no evidence of making the necessary provision for dealing with Prions. Dr Meaden strongly advised that this site should be cleaned up by the permit holders and allowed to revert to natural woodland.

In accordance with Procedure Rule 9.3, Ms Hawkes, the agent, spoke in support of the application. This application was purely about the principle of redevelopment of a brownfield site, rather than securing consent for a detailed layout at this stage. It was recognised that this was a problem site, located within the AONB, which had been utilised previously as an animal rendering plant. The site had been vacant in excess of 10 years and, due to significant site contamination issues, it required extensive remediation prior to being utilised again. Prior to submission, the applicant engaged in the Council's formal pre-application process. The informal written advice received was supportive of the proposed reuse for residential purposes. The applicant had due regard to this advice, prior to finalising the application documentation. Pre-application liaison was also carried out with the Parish Council to engage them in the development proposals at an early stage. It was noted that the Parish Council did not object to the current planning application. Ms Hawkes drew Members' attention to the fact that there were no trees on the application site, but the development was adjacent to the Denge Woods complex, which comprised ancient replanted woodland. To date, the applicant had provided a total of 20 reports, letters or plans on landscape and ecology matters. The ecological impact assessment stated that in order to avoid damage to the adjacent ancient replanted woodland, the development needed to be retained within the footprint of the existing earth bunds and avoid incursion into the root protection areas of trees along the woodland edge. The illustrative layout demonstrated that this was exactly what was proposed. The benefits of providing a sensitive landscape-led scheme on this site were considerable as the site had had significant contamination issues. The issues could only be resolved through a viable redevelopment scheme, otherwise the site would remain in a state of increasing decay. Restricting redevelopment to the previously developed part of the site and the provision of a buffer zone could be secured by condition. It was considered that the redevelopment of the site for residential purposes complied with local planning policies.

**Resolved:**

- (A) Subject to the prior completion of a Section 106 agreement or undertaking in respect of the planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management & Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated Authority to the Head of Development Management & Strategic Sites or the Joint Development Control Managers to negotiate the terms of the S.106 obligations to reflect the viability of the scheme, including to determine appropriate Initial (Pay Regardless) Contributions, the thresholds and percentages of Deferred Contributions, and to omit any of the Deferred Contributions that are subject to pooling should this compromise the ability to collect for projects from other sites, and all ancillary matters to ensure that reasonable and proper contributions are made by the development bearing in mind the viability position and further valuation advice, and to make or approve changes to the obligations, conditions and notes as they see fit (for the avoidance of doubt including adding additional conditions or deleting conditions)

**Table 1**

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1.	<p><b><u>Affordable Housing</u></b></p> <p>Contribution towards offsite affordable housing in lieu of onsite provision of 40% and on the basis of a subsequent split of 10% affordable / social rent and 30% Affordable Home Ownership Products (including a minimum of 20% shared ownership.</p>	<p>To be calculated based on the cost of onsite provision of the size and type of affordable housing units that would have been provided on site.</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>
2.	<p><b>Children's and Young People's Play</b></p> <p>Contribution towards a multi-sports court</p>	<p>£649 per dwelling for capital costs</p>	<p>From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
		£663 per dwelling for maintenance	
3.	<b><u>Informal/Natural Space</u></b> Project to be confirmed	£434 per dwelling for capital costs £325 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
4.	<b><u>Outdoor Sports</u></b> Contribution towards the provision of a multi sports court.	£1,589 per dwelling for capital costs £326 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
5.	<b><u>Strategic Parks</u></b> Contribution towards new entrance signage at Conningbrook Country Park	£146 per dwelling for capital costs £47 per dwelling for maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
6.	<b><u>Allotments</u></b> Project to be confirmed	£258 per dwelling for capital costs £66 per dwelling for future maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
7.	<b><u>Cemeteries</u></b> Project to be confirmed	£284 per dwelling – Capital £176 per dwelling - maintenance	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
8.	<b><u>Libraries</u></b> Contribution for additional bookstock	£48.02 per dwelling	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers



<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
9.	<b>Health Care</b> Project: Extension to Wye surgery	£504 for each 1-bed dwelling £720 for each 2-bed dwelling £1,008 for each 3-bed dwelling £1,260 for each 4-bed dwelling £1,728 for each 5-bed dwelling or larger	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
10.	<b>Improvement to village hall car park</b>	£15,000 (total)	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
11.	<b>Public Right of Way</b> - Surface improvements to adjacent PROW / Byway – AE89	£5000	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers
12.	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	From any Initial and/or Deferred Contributions received, as determined by Officers under delegated powers

**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.

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, unless otherwise agreed in writing. The Council's legal costs in connection with the deed must be paid.

**If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.**

**(B) Grant Outline Planning Permission**

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

**Implementation**

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

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

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

The development hereby permitted shall be begun no later than the expiration of 2 years from the date of this permission.

**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 and so that the viability of the scheme can be re-appraised.

**Approved Plans**

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

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

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

**Reason:** In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development

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through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

### **Architecture**

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

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

### **Highways**

6. No dwelling shall be occupied until the vehicular access and associated visibility splays identified on drawing number H-03 RevP1 and hereby approved have been provided in accordance with that plan. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

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

7. The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking and/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

**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.

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

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

9. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:
- a) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
  - b) Details of areas for the storage of plant and materials;
  - c) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
  - d) Provision of measures to prevent the discharge of surface water onto the highway.

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

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

10. No dwelling shall be occupied until the following works between that dwelling and the adopted highway have been completed in accordance with details approved prior to the first occupation of the dwelling
- a) Footways, with the exception of the wearing course
  - b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway furniture(if any).
  - c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

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

11. No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority for approval at the same time as the details required pursuant to Condition 1. Such approved covered bicycle parking shall be retained in perpetuity.

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**Reason:** To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

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

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

13. Prior to the first occupation of any of the units hereby permitted the following shall be carried out and opened for public use in accordance with details previously submitted to and approved in writing by the Local Planning Authority:

- The provision of the parking bay on Penny Pot Lane as shown on Drawing Nos: H-03 RevP1A & DHA/11340/03 RevB.

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

14. The first 5 metres of each access from the edge of the highway shall be constructed from a bound surface.

**Reason:** To prevent material being deposited onto the public highway.

### **Drainage**

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 prior to or at the same time as the reserved matters. 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

**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 in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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

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

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled

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waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

18. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

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

19. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The development shall then be carried out in strict accordance with the details approved and shall subsequently be maintained in accordance with these details.

**Reason.** To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

20. The details submitted pursuant to Condition 1 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space.

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

### **Environmental Protection**

21. The development hereby permitted shall not be begun until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
- A desk-top study carried out by a recognised expert in the field to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority in consultation with other relevant agencies shall be fully established before the desk-top study is commenced and it shall conform to

any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

- A site investigation shall be carried out by a recognised expert in the field to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
  - i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
  - ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
  - iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

**Reason:** To control pollution of land or water in the interests of the environment and public safety.

**Note:** For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 331111).

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

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



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

23. 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. Foul drainage should be discharged to mains sewers where possible. Only clean uncontaminated surface water may be discharged to ground. We would require details of all proposed foul and surface water drainage to be submitted with any application made for a specific site.

24. 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.

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

25. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.

- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
- b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction -

recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.

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

**Reason:** In order to protect and enhance the appearance and character of the site and locality.

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

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

27. Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries and open space within the development shall be submitted to and approved in writing by the Local Planning Authority. The

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boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

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

28. No dwelling shall be occupied until an adoption / landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens as well as details relating to the adoption of the public highway and sewerage system shall be submitted to and approved in writing by the Local Planning Authority. The approved adoption / landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas, sewerage systems and the public highway are provided in an acceptable manner are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

29. No development shall take place until full plan and cross-section details of any proposed earthworks, including works to the bunds, have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

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

### **Development Restrictions**

30. The reserved matters shall show built development on the existing area of Previously Developed Land only.

**Reason:** As planning permission is only granted in this sensitive and unsustainable location as the benefits of bringing this brown field site back in to a more appropriate alternative use outweighs the harm.

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

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

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

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

33. Details submitted pursuant to condition 1 above shall show a housing mix that is consistent with the local housing needs of Godmersham / Chilham.

**Reason:** In order to ensure the development provides an appropriate housing mix to reflect the housing needs of the locality in accordance with policy CS13 of the Core Strategy.

34. Details submitted pursuant to condition 1 above shall show a buffer of a minimum of 15m in depth deep to the adjacent ancient woodland. The buffer shall be measured from Natural England's ancient woodland inventory (AWI) into/towards the application site. Details of the treatment of this buffer area along with ongoing maintenance schedules and who will be responsible for the ongoing management of this buffer area shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter carried out in accordance with the approved details.

**Reason:** To ensure no harm is caused to the ancient woodland as a result of this development.

35. Prior to any works being carried out on site protective fencing along the entire edge of the buffer referred to in condition 34 above shall be erected in accordance with details previously submitted to and approved in writing by the Local Planning Authority (LPA). The fencing shall be retained in situ during the demolition / construction phases of the development and no works shall take place within this protective buffer unless details have been previously submitted to and agreed in writing by the LPA and the works shall then be carried out in strict accordance with the approved details.

**Reason:** To ensure no harm is caused to the ancient woodland as a result of this development.

36. Details submitted pursuant to condition 1 above shall show no built development, gardens, open space or other recreational facilities within the

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protected buffer area as required by condition 34 above. It shall also show how the edge of this buffer is to be treated within the development following the construction phase and this shall thereafter be retained and maintained in perpetuity.

**Reason:** To ensure no harm is caused to the ancient woodland as a result of this development.

### **Space Standards / Access**

37. The details submitted pursuant to Condition 1 of this permission shall show buildings which are a maximum 2-storey height and form. Where second floor accommodation is proposed this must be provided wholly within the roof space. The details shall also show how each unit accords with the National Prescribed Space Standards for internal space and the Council's adopted Residential Space & Layout SPD for external space or any other standard agreed by the Local Planning Authority.

**Reason:** To ensure that the scale of new residential development remains appropriate for the site and in the interest of visual amenity and the residential amenity of future residents.

38. The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided).

**Reason:** To ensure that dwellings will be accessible

### **Heritage**

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

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

### **Ecology**

40. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** In the interest of visual amenity, residential amenity and for matters of ecological interest.

41. Prior to the occupation 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. The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the LPA.

**Reason:** To ensure that the development will enhance the ecological value of the site / surroundings

42. The development shall be carried in strict accordance with the proposed mitigation and enhancement measures as set out in the Reptile Mitigation Strategy dated May 2018.

**Reason:** To ensure no harm to protected species and matters of ecological importance.

43. Any vegetation clearance shall only take place between September and February.

**Reason:** To ensure no harm to nesting birds and to safeguard matters of ecological importance.

44. Prior to any clearance works commencing on the site a badger site walkover survey shall be undertaken by a suitably qualified ecologist and the details of this along with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The site clearance and development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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**Reason:** to ensure no harm to protected species and their habitat and to ensure matters of ecological importance are safeguarded.

### **Refuse**

45. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

### **Sustainability**

46. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

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

47. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

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

### **Broadband**

48. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

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

### **Notes to Applicant**

1. Working with the Applicant

In accordance with paragraph 38 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 responded positively to matters raised in relation to drainage, landscaping, ecology, parking and highways.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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



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

3. 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.
4. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. The applicant's attention is drawn to the Environment Agency's letter dated 16 January 2018.
6. 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.

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<b>Application Number</b>	17/01646/AS
<b>Location</b>	Former Goods Yard, Bramble Lane, Wye, Kent
<b>Grid Reference</b>	04873/47144
<b>Parish Council</b>	Wye with Hinxhill
<b>Ward</b>	Wye
<b>Application Description</b>	Development of 14no. dwellings with associated access and parking
<b>Applicant</b>	Pathway Project 1 Limited
<b>Agent</b>	Mr J Bell, CQ Planning, 29 The Risings, London, E17 3PH

<b>Site Area</b>	0.48 ha		
(a) 103/41R, 1+-	(b) X	(c)	KAS/R, KHS/R, NR/, SWS/+, KCC LLFA/R, BTOD/R, KCCE/R, EA/X, EHM/R, KCC Ed/X, Housing/-
(a) 103/30R	(b) R	(c)	KAS/X, KHS/X, NR/X, SWS/-, KCC LLFA/X, BTOD/X, KCCE/X, EA/X, EHM/ , KCC Ed/-, Housing/X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. One additional comment of objection had been received.

In accordance with Procedure Rule 9.3, Ms Freeman, a local resident and Chair of Governors of the Lady Joanna Thornhill Primary School, spoke in objection to the application. There were numerous objections to the application, all of which had been covered in objection letters and the Officer's report, but the main objection related to pedestrian safety, both in relation of current and future residents. The only means of access to the proposed site was via Wye Station car park. The entrance to the car park at the junction with Bramble Lane was already a hazardous area, as it was used as a turning circle by cars. The proposed road through the middle of the car park, to access the development, had no line of sight onto Bramble Lane and severely affected the visibility splay, putting pedestrians at risk. Approximately 85 – 90 children and adults crossed the junction every day, and many children were unaccompanied. Regarding safety of potential residents of the proposed estate, a letter from Network Rail dated 5<sup>th</sup> September stated that Network Rail required unrestricted access over the road way and the development for all vehicles, referring specifically to the need to use large commercial vehicles. The frequency and size of vehicles could pose a potential risk to users of the car park and stationary vehicles. There was no footpath accessing the proposed development, only the proposed roadway. To access the development, residents would have to walk over the roadway, through the unlit train station car park, with the roadway being used by commuters, traffic entering and exiting the proposed development and large Network Rail vehicles. With all these factors, the proposed development posed a significant risk to pedestrian safety.

In accordance with Procedure Rule 9.3, Mr Bartley, on behalf of Wye Parish Council, spoke in objection to the application. The Parish Council agreed strongly with the Officer's assessment against this application, and asked Members to note the range and strength of objections lodged against this unsafe and harmful application. The design was of dismally poor quality and lacked basic amenities. This was a crammed development, on a noisy site, beside a busy railway line, on a doubtful legal and physically impractical basis, through a congested unlit car park, with no

pavement, via a sub-standard junction, on a bend with poor site lines, which was prone to flooding and inconsiderate parking. Unit 1 was adjacent to a sewerage pumping station. The Officer's report identified the impact and harm the proposal would cause the residential amenity and the AONB. At first glance this site may appear to be a small piece of wasteland, but in fact it had a vital role to play in supporting residential development elsewhere on suitable sites in Wye and in facilitating the ever-increasing use of Wye railway station. Therefore, the car park was a crucial piece of transport infrastructure, which needed to serve a wide catchment area. However, it was inadequate, and hence the Neighbourhood Plan reference to safeguarding and expanding the car park. This site was planned positively as evidenced by the formal Site Assessment process under WYE05, which concluded that "not considered suitable for residential development, but would be suitable for car park extension as proposed in Ashford Borough Council Local Plan Policy 2000 Policy S69F. Para 36 in the Officer's report acknowledged the origin and continuity of this conclusion. Mr Bartley urged Members to refuse this application, and said the Parish Council would continue to support Officers at the forthcoming appeal.

**Resolved:**

- (A) Subject to the delegation of powers to officers to amend the projects identified in Table 1 and to omit the reason this ground of refusal subject to agreement from the appellant to sign the S106 agreement/enter into a Unilateral Undertaking and provide justification thereafter to the Planning Inspectorate in respect of these projects thereto.**

**Table 1**

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>The S106 would contribute towards the purchase and laying out of additional land to supplement the existing facilities at the recreation ground off Bridge Street Wye to support existing sports club needs. Notably Wye Monarchs, Wye Junior Football Club and Wye Cricket Club including associated legal, planning,</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Before the occupation of 75% of the dwellings</p>

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	surveying and associated decontamination, drainage and landscaping as required.		
2	<p><b><u>Informal/Natural Green Space</u></b></p> <p>The S106 would contribute towards improved public access to the riverbank at Bridge St recreation ground including access to additional land currently within the waste water works including the associated costs and fees such as legal, design etc.</p>	<p>£434 per dwelling for capital costs</p> <p>£325 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
3	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>The S106 would contribute towards a set of new play equipment for the Bridge Street Recreation Ground 'Playpark' (0-8 years)</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
4	<p><b><u>Allotments</u></b></p> <p>The S106 would contribute towards improved fencing (and rabbit fencing), grasscrete where vehicles are parked, improved access and building of raised beds for wheelchair users at the Beanfield and Churchfield</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	allotment sites.		
5	<p><b><u>Strategic Parks</u></b></p> <p>Ashford Borough Council are seeking contributions towards the development of Conningbrook Lakes Country Park. Bespoke seating, signage and interpretation is planned, to be designed and delivered by artists, at a potential cost of £30,000. The S106 would contribute towards the research and design stage.</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
5	<p><b><u>Cemeteries</u></b></p> <p>The S106 would contribute towards a proposed extension to the Churchfield Burial Ground; the site will need a landscape plan and hard and soft landscaping</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	Before occupation of 75% of the dwellings
6	<p><b><u>Primary Schools</u></b></p> <p>Contribution towards works to the Junior Classrooms at the Lady Joanna Thornhill to accommodate additional students.</p>	£3324.00 per applicable house	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
7	<p><b><u>Secondary Schools</u></b></p> <p>Contribution towards the Norton Knatchbull expansion of parking project</p>	£4115.00 per applicable house	Half the contribution upon occupation of 25% of the dwellings and

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
			balance on occupation of 50% of the dwellings
8	<p><b><u>Library Facilities</u></b></p> <p>Towards additional book stock for the new borrowers generated by this development at Wye Library</p>	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The costs, 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) Members Resolve that had they been able to do so, they would have Refused Planning permission for the development on the grounds set out below**

1. The proposed development would be contrary to policies HG3 and GP12 of the Ashford Borough Council Local Plan (June 2000), policies CS1, CS2, CS9, CS15, CS18 of the Local Development Framework Core Strategy (July 2008), policies TRS2 and TRS17 of the Tenterden and Rural Sites DPD (October 2010), policies SP1, SP2, SP6, HOU5, HOU15, ENV3b, TRA5, TRA7, COM1 and COM2 and IMP1 of the Ashford Borough Emerging Local Plan (2030), the Council's Landscape Character Assessment SPD (April 2011), Residential Space and Layout (external space standards) SPD (October 2011), Public Green Spaces and Water Environment SPD (July 2012), Wye Neighbourhood Plan policies WNP1a, WNP1c, WNP2, WNP7, WNP8 and WNP10 and to Central Government guidance contained in the

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National Planning Policy Framework (2018) and would therefore be harmful to interests of acknowledged planning importance for the following reasons:

2. The proposed dwellings by virtue of their scale, form and design would intrude into the open countryside beyond the existing built development on the adjacent Havilland's development. The design of the dwellings would fail to respond to their context and result in an incongruous form of development which would have a domesticating effect and fail to preserve or enhance the designated landscape.
3. The proximity of the dwellings to the railway line and sewage treatment works would result in noise and disturbance which would require windows to remain closed, leading to a poor level of amenity, to the detriment of future residents.
4. The first floor rear bedroom windows of plots 1-3 (inclusive) and 8 would, by virtue of the separation distance from numbers 29, 35, 40, 41 and 42 Havillands result in loss of privacy as a result of overlooking of the private garden areas for both existing occupiers of the former and future occupiers of the latter to the detriment of their residential amenity.
5. The first and second floor windows to the rear of plot 6 would result in overlooking of the private garden area of the future occupiers of plot 3 to the detriment of the residential amenity of future occupiers.
6. Plots 1-5 (inclusive) and 7-11 (inclusive) would fall short of the required external amenity space required under the Council's Residential Space and Layout SPD and emerging policy HOU15 to the detriment of the residential amenity of future occupiers.
7. The development would fail to provide safe access through the provision of a footway from the development to the existing footway on Bramble Lane through the station car park, resulting in harm to pedestrian safety to the detriment of future occupiers.
8. There is no reasonable prospect of the qualitative improvements to the station car park to facilitate a vehicular access for private motor or larger refuse vehicles to enable the development to have safe access to the public highway.
9. The necessary planning obligation in respect of:
  - i. allotments
  - ii. cemeteries
  - iii. children's and young people's play space
  - iv. informal/natural green space
  - v. outdoor sports pitches

- vi. strategic parks
- vii. primary schools
- viii. secondary schools
- ix. library facilities

has not been entered into so that the proposed development is unacceptable by virtue of failing to mitigate its impact.

### **Note to Applicant**

#### 1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner by;

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

In this instance;

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

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<b>Application Number</b>	18/00572/AS
<b>Location</b>	Delcroft, Woodchurch Road, Shadoxhurst, Ashford, Kent TN26 1LE
<b>Grid Reference</b>	97588 38124
<b>Parish Council</b>	Shadoxhurst



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<b>Ward</b>	Weald South
<b>Application Description</b>	Outline planning application with all matters reserved for the construction of up to 12 residential dwellings alongside associated parking, access and landscaping works. Includes demolition of existing bungalow called Delcroft
<b>Applicant</b>	Mrs Thackray, FDC Group, Dovecot Barn, Stowting Court Road, Stowting
<b>Agent</b>	Taylor Hare Architects, The Cowshed, Overland Lane CT3 2LE
<b>Site Area</b>	1.71 hectares

(a) 1st Consultation: 84/79 R	(b) Parish Council R	(c) 1st Consultation: KH&T X, HA R, KCC(Drainage) X, , PO (Drainage) X, KCC (Bio) R, SW X, KWT X
2 <sup>nd</sup> Consultation: 58R		2 <sup>nd</sup> Consultation: KH&T X; EP X

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. Further objections had been received from Shadoxhurst Parish Council.

In accordance with Procedure Rule 9.3, Ms Webb, a local resident, spoke in objection to the application. There was a strong weight of objection among local residents to the application. This was originally removed from the Local Plan as unsuitable for development, and residents still believed that was the case. It was disappointing that Officers were in favour of this development. The number of houses in the village was now over 500, and the village needed steady growth, not major surges. Granting this application tonight would mean that, with other developments going on in the village, 67 more houses would be added to the village. If the forthcoming appeal was lost, there would be another 88 houses. This was not measured growth, and utilities and infrastructure could not sustain such growth. The position of this development was crucial, extending outside of the village confines to the north and the vital green corridor which was needed to separate Shadoxhurst from Chilmington and the Court Lodge development in the future. If this development went ahead, no doubt the Tally Ho Road proposal would also be reinstated. The current practice of raising the foundation height to offset flooding

issues had the effect of raising roof lines and houses were more imposing than ever. Most of the adjacent properties to this site were bungalows. Overdevelopment in the village was a major consideration. Part of the refusal for Farley Close was due to the recognition of the pressure on the infrastructure. The community was saddled with the daily effects of the construction traffic and this needed to be more reasonable. 2019 could see the new development occupied, and together with the Chilmington development, this would add to the traffic coming through the village. The vitality of the village was already enhanced without the need for further development. Many new developments already exited onto Woodchurch Road. Access onto Woodchurch Road would require the demolition of a bungalow which was needed by local residents as affordable housing. The junction was still dangerous. Ms Webb said this was a much loved rural area, and the green spaces and dark skies should be protected.

In accordance with Procedure Rule 9.3, Mr Harvey, the agent, spoke in support of the application. There were three main themes from the report. Firstly, there were no technical objections from statutory consultees, on highways, ecology, flood risk, wildlife or drainage grounds. No issues had been raised, subject to conditions being imposed. Secondly, the amount of development proposed was considered by Officers to be appropriate. This scheme had been reduced from 14 to 12 units with a resulting density of 7 dwellings/ha. This was an appropriately small scale, low density development, commensurate with the size of the village. This left space for the retention of existing landscaping and new landscaping, even when comfortable family dwellings were included. The Officer considered that the landscape impact of the scheme to be minimised by both the retained and proposed landscaping and by the development being contained by the built areas of the village around the site in question. Thirdly, the Officer considered the development of this site to be acceptable in principle. This scheme was of a scale which would represent a proportionately small scale and organic addition to the village. It would comply with the various elements of the emerging policy HOU5 and its scale meant it could be readily absorbed into the village. It would contribute towards the Shadoxhurst community and the wider rural community by generating contributions towards services, such as education and open space, and would introduce new affordable homes into Shadoxhurst. On the basis of these benefits and the lack of technical objections, Mr Harvey asked Members to grant approval for this scheme.

In accordance with Procedure Rule 9.3, Mr Ledger, on behalf of Shadoxhurst Parish Council, spoke in objection to the application. He considered that Shadoxhurst was in the firing line and questioned why the village was subjected to so many housing applications. Policy SP7 was vital to retain the green buffer zone and the wildlife corridor required to separate the village from Chilmington. This development was a significant erosion of a gap between settlements, resulting in the loss of individual identity or character. The application did not meet all the Local Plan policies, nor some of the emerging policies either, and Officers admitted that it did not comply with the Development Plan. Mr Ledger queried why Officers were recommending that this backland development be granted. He believed that para 124 of the report was not correct, as the application did not comply with HOU5. In particular, there

were limited services in the village, with no shop, surgery, school and a limited bus timetable. Sustainable methods of transport to access services were severely curtailed. The development did not sit sympathetically in the wider landscape. It was not consistent with the local character and built form, placing 2-storey executive housing next to single storey, modest bungalows. The close proximity of houses would harmfully impact on neighbours through size, overlooking and potential noise. The report suggested that the development would boost the supply of housing although the Inspector had reduced the target number in Local Plan sites. Wellbeing and cohesion was being eroded by the addition of a dangerous road access. The report concluded that there was no harm to the village. Mr Ledger produced a doctor's letter concerning neighbours very close to the proposed site, detailing the potential damage to their health from this application. Mr Ledger asked Members to refuse this application as he considered it was wrong on many levels.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations as detailed in table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the 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 minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional planning conditions or deleting conditions) as she sees fit.**

**Table 1**

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><b><u>Affordable Housing</u></b></p> <p>Provide as close as possible to 40% of the units as affordable housing.</p> <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council. Shared ownership units to be leased in the terms specified. Affordable rent units to be let at no more</p>	<p>Of which up to 10% affordable rent and up to 30% shared ownership units</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>

	<b>Planning Obligation</b>		
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	than 80% market rent and in accordance with the registered provider's nominations agreement.		
2	<p><b><u>Strategic Parks</u></b></p> <p>Contributions towards the provision of seating at Conningbrook Lakes Country Park.</p>	<p>£146 per C3 dwelling for capital costs.</p> <p>£47 per C3 dwelling for future maintenance</p>	Upon occupation of 75% of the dwellings
3	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Contribution towards the provision of a single mast exercise/activity net for the recreation ground at Hornash Lane and maintenance thereof.</p> <p>Contribution towards the acquisition of land adjacent to the existing recreation ground at Hornash Lane to extend the amount of land available for sports provision to meet increasing demands.</p>	<p>£1,589 per C3 dwelling for capital costs</p> <p>£326 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
4	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Contribution towards provision of, or improvements to, the park furniture, pathways and parking facilities at the recreation ground at Hornash Lane and maintenance thereof.</p>	<p>£434 per C3 dwelling for capital costs</p> <p>£325 per C3 dwelling for future maintenance</p>	Before completion of 75% of the dwellings
5	<p><b><u>Children's and Young People's</u></b></p>		

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
	<b><u>Play Space</u></b>  Contribution towards provision of, and/or improvements to, the play equipment (for all ages) at the recreation ground at Hornash Lane.	£649 per C3 dwelling for capital costs  £663 per C3 dwelling for maintenance	Before completion of 75% of the dwellings
6	<b><u>Cemeteries</u></b>  Contribution towards fencing, signage and maintenance of Shadoxhurst Church Cemetery.	£284 per C3 dwelling for capital costs  £176 per C3 dwelling for maintenance	Before completion of 75% of the dwellings
7	<b><u>Library Bookstock</u></b>  Contribution towards the additional bookstock supplied to the mobile library service that attends Shadoxhurst.	£48.02 per dwelling	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
8	<b><u>Primary Schools</u></b>  Contribution towards the expansion of John Wesley Primary School.	£3,324 per C3 dwelling house  £831 per C3 flat.	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)

<b>Planning Obligation</b>			
	<b>Detail</b>	<b>Amount(s)</b>	<b>Trigger Point(s)</b>
9	<b><u>Monitoring Fee</u></b> Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking.	£1,000 per annum until development is completed	
<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) Grant Outline Planning Permission**

Subject to the following conditions and notes:

### **Implementation**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

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

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

**Reason:** To comply with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and

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Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Approved Plans**

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

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

### **Architecture**

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

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

### **Highways**

5. The details submitted pursuant of Condition 1 shall include details of the new junction onto Woodchurch Road and visibility splays based on the Transport Statement and Speed Survey data submitted as part of this application. The access and visibility splays shall thereafter be retained in accordance with those plans and the area within the visibility splays shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

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

6. The details submitted in pursuance to Condition 1 shall show adequate land, reserved for parking and/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, 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.

**Reason:** Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to

other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

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

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

8. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:

- a) Routing of construction and delivery vehicles to / from site;
- b) Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles;
- c) Details of areas for the storage of plant and materials;
- d) A programme of works including details of the timing of deliveries
- e) Details of temporary traffic management / signage
- f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances; and
- g) Provision of measures to prevent the discharge of surface water onto the highway.

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

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

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

- a) Footways, with the exception of the wearing course



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

c) All wearing courses shall be completed within a year of the occupation of the dwellings to which they relate.

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

### **Drainage**

10. Prior to the commencement of the development details of the proposed means of foul water disposal and the maintenance of such, shall be submitted to and approved in writing by, the Local Planning Authority in consultation with Southern Water and such approved works shall be carried out before occupation of any dwelling and thereafter retained and maintained as such.

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

11. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (Herrington Consulting, April 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**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.

12. Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phase of the development.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water.

13. 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

### **Environmental Protection**

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

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

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

15. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars including the Report on Inspection of Trees dated 29 March 2018; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings for their permitted use.
- i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
  - j. 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.
  - k. All retained trees shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such tree protection measures shall remain throughout the period of demolition and construction.
  - l. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
  - m. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - n. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
  - o. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
  - p. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such

trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

**Reason:** In order to protect and enhance the appearance and character of the site and locality.

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

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

17. The landscaping proposals submitted pursuant to Condition 1 shall include details of the proposed native boundary hedge and trees along the northern boundaries of the site with open countryside.

**Reason:** To ensure a robust and appropriate buffer with open countryside so that the development sits sympathetically in the landscape.

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

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

19. No dwelling shall be occupied until a landscape management plan, including management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape management plan shall be adhered to unless previously agreed otherwise, in writing by the Local Planning Authority.

**Reason:** To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area and to maximise the scope of their ecological value.

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## **Ecology**

20. No development shall take place until details of the wild flower meadow and landscape buffer have been submitted to and approved in writing by the local Planning Authority. The works shall then be carried out in accordance with the approved details.

**Reason:** To ensure appropriate mitigation in the interests of biodiversity.

21. No development shall take place (including any ground works, site or vegetation clearance) until a detailed ecological mitigation plan and management plan has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Updated Ecological scoping survey and any recommended specific species surveys.
  - b) Purpose and objectives for the proposed works.
  - c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
  - d) Maps showing the location and types of ecological enhancements.
  - e) Aims and objectives of the management.
  - f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
  - g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
  - h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
  - i) Details of the body or organisation responsible for implementation of the plan.
  - j) Ongoing monitoring and remedial measures.

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

**Reason:** To ensure that the proposed development will not have a harmful impact on protected species, habitats and wider biodiversity.

### **Space Standards**

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

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

### **Lighting**

23. No external lighting shall be installed until a detailed lighting scheme has been submitted to, and approved in writing by the Local Planning Authority.

This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). Any associated external lighting that is provided shall be fitted with a timer control system to ensure that the lighting system is switched off at times to be agreed in writing with the Local Planning Authority.

The lighting scheme must be bat sensitive and the details submitted must clearly demonstrate that the proposed lighting scheme will have minimal impact on foraging /commuting bats

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

No additional external lighting shall be installed on the site without the prior written consent of the Local Planning Authority

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

### **Development restrictions**

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

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**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.

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

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

### **Levels**

26. The finished floor levels for living accommodation shall be set no lower than 150mm above existing ground level.

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

### **Refuse**

27. Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted at the same time as details required to be submitted pursuant to Condition 1 and approved by the Local Planning Authority in writing. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re-enacting that Order, such approved facilities shall be retained and maintained and access thereto shall not be precluded.

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

### **Sustainability**

28. Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway, carport, or garage, the dwelling shall be provided with at least one electric vehicle charging point. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles.

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

29. No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

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

### **Broadband**

30. Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

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

### **Notes to Applicant**

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

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals. ABC works with applicants/agents in a positive and proactive manner by;

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



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

In this instance

- The applicant was provided the opportunity to submit amendments to the scheme to address issues raised.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
3. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact [flood@kent.gov.uk](mailto:flood@kent.gov.uk) for further information.
  4. "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)".
  5. The applicant is advised that the initial assessment by Southern Water does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

6. The applicant is advised that the detailed drainage design should incorporate an additional analysis to understand the flooding implication for a greater climate change allowance of 40%, as specified in Environment Agency guidance, February 2016. The detailed design should also consider and address the maintenance of water quality before discharge to watercourse.
7. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

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

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

8. Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk)

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

Agendas, Reports and Minutes are available on: [www.ashford.moderngov.co.uk](http://www.ashford.moderngov.co.uk)

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