

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **14<sup>th</sup> February 2018**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Bradford, Buchanan, Clokie, Dehnel, Galpin, Heyes, Hicks, Krause, Macpherson, Ovenden, Waters, Mrs Webb.

In accordance with Procedure Rule 1.2 (iii) Cllr. Mrs Webb attended as Substitute Member for Cllr. A Howard.

### Apologies:

Cllrs. Clarkson, Farrell, A. Howard.

### Also Present:

Cllrs. Mrs Dyer, Shorter.

Head of Development Management and Strategic Sites; Chilmington and Design Team Leader; Senior Planning Officer & Urban Designer; Tree Officer; Head of Planning and Development; Chief Executive; Corporate Director (Place and Space); Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

## 343 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	346 – 17/01668/AS
Mrs Blanford	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	346 – 17/01668/AS
Burgess	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	346 – 17/01668/AS
Clokie	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	346 – 17/01668/AS
Dehnel	Made a Voluntary Announcement as a Member of Kingsnorth Parish Council.	346 – 17/01170/AS

## **344 Minutes**

### **Resolved:**

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

## **345 TPO/17/00028 - Confirmation of Tree Preservation Order No. 28 2017 - Rear Garden of 65 Upper Queens Road, Ashford.TN24 8HL**

The Head of Development Management and Strategic Sites drew Members' attention to the Update Report, which contained a revised Recommendation.

In accordance with Procedure Rule 9.3, Mr Nunn, a local resident, spoke in objection to the recommendation to confirm the Order. He said public spaces, roads, streets and private gardens had a contribution to make to the vision of the Ashford urban forest and lent themselves to a wide variety of sympathetic and appropriate planting. The concept of an urban forest could only come to a sustainable fruition with the active support of residents where scale, nurturing and management must be seen as key criteria, and not a disincentive, to residents continuing to plant trees in their gardens. On the plan no trees depicted were sited within four metres of housing. It was good to see the recent tree replacement planting in Upper Queens Road and Albert Road, where smaller trees replaced many species of larger trees. This example of sympathetic and appropriate planting would provide a pleasurable environment for many years to come, and also deal with the inherent problems of extensive damage to public footpaths caused by their predecessors. Residents should not be met with a blunt default position of sustaining inappropriate trees in a potentially dangerous setting. Instead, they should be encouraged to plant more trees similar to those new trees as replacements for any trees pollarded or felled.

### **Resolved:**

**To confirm the Order notwithstanding the objection with a modification of the title to read as '63 and 65 Upper Queens Road Ashford TN24 8HL' and to modify the situation of T2 to read as 'Rear garden of 63 Upper Queens Road'.**

## **346 Schedule of Applications**

**Resolved:**

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

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

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

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

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Application Number	17/01674/AS	
Location	Former Powergen Site, Victoria Road, Ashford Kent	
Grid Reference	00488/42404	
Ward	Victoria	
Application Description	Single storey roof top extensions to Blocks 5A and 5B as approved under planning application 17/01091/AS - providing 14 residential units and associated communal roof terraces	
Applicant	Ashford Riverside Park Limited, c/o Agent	
Agent	Lichfields, 14 Regent's Wharf	
Site Area	0.035ha	
(a) 28/-	(b) -	(c) SW X KCC H&T X EHM (EP) X ABC Refuse X EA X KCC (PROW) X KCC (ED) X

The Senior Planning Officer & Urban Designer drew Members' attention to the Update Report. There were amendments to Table 1 and Recommendation (A), with the previous sub-points a, b and c deleted.

In accordance with Procedure Rule 9.3, Mr Pochin-Hawkes, the agent, spoke in support of the application. He said it would deliver an extra 14 homes on the former Powergen site, which was a key regeneration site with permission to create up to 660 homes. The proposals had been designed to complement the approved scheme and related well to the approved blocks 5A and 5B. The Officer's recommendation for approval was welcomed.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/unilateral undertaking in respect of the planning obligations set out Table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Development Control Managers in consultation with the Corporate Director (Law & Governance) with delegated authority to either the Head of Development Management and Strategic Sites or the Development Control Managers to make or**

approve minor changes to the planning obligations and planning conditions (for the avoidance of doubt including adding additional obligations / planning conditions or deleting obligations / conditions) as they see fit.

**Table 1**

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional book-stock at libraries in the borough</p>	<p><b><u>£672.22</u></b></p> <p>£48.02 per dwelling</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
2	<p><b><u>Sport - outdoors</u></b></p> <p>Contribution towards additional equipment for football, netball and tennis at Courtside / Pitchside</p> <p>Capital Contribution</p> <p>Commuted Contribution</p>	<p>£16,221.04</p> <p>£3,327.92</p>	Upon occupation of 75% of the dwellings
3	<p><b><u>Informal/Natural Green Space</u></b></p> <p>Improvements to the shared entrance to Bowens Field and Victoria Park</p> <p>Capital Contribution</p> <p>Commuted Contribution</p>	<p>£4,430.42</p> <p>£3,317.71</p>	Upon occupation of 75% of the dwellings
4	<p><b><u>Play</u></b></p> <p>Contribution calculated for only 2 x 2-bed apartments towards toddler age play at Victoria Park</p> <p>Capital Contribution</p> <p>Commuted Contribution</p>	<p>£3,312.60</p> <p>£3,384.06</p>	Upon occupation of 75% of the dwellings

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
5	<b><u>Allotments</u></b> Contribution towards improvements to the boundary of an allotment site in Victoria Ward Capital Contribution Commuted Contribution	£2,633.75 £673.75	Upon occupation of 75% of the dwellings
6	<b><u>Strategic Parks</u></b> Contribution towards additional seating at Victoria Park  Capital Contribution Commuted Contribution	£1,490.42 £479.79	
7	<b><u>Monitoring Fee</u></b>  <i>Applies in all cases</i>  Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£1000 one-off payment	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

**(B) Permit**

Subject to the following conditions and notes:

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

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

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Purchase Act 2004.

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

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

3 **Fine detailing**

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

- a. full details of parapet glazing (1:20),
- b. full details of privacy screens
- c. prior to installation - Details of any plant or machinery proposed on the roof and associated screens,
- d. prior to installation - Details of any satellite dishes or antenna,

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

4 **Lighting**

Prior to occupation of any dwelling details of external lighting shall be submitted to the local planning authority and agreed in writing.

The approved lighting shall be installed prior to occupation of any dwelling and no further external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

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

- 5 Prior to the commencement of the development hereby approved details of the roof terrace landscaping (hard and soft) shall be submitted to approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in

accordance with the approved details.

**Reason:** In the interests of the residential amenity of the residents and to ensure that appropriate levels of external amenity space are provided for within the development

## 6 **Construction**

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

The Code of Construction Practice shall include,

- (a) Measures to minimise the production of dust
- (b) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s). The measures shall include but not be limited to a BS5228 assessment to protect Victoria road primary school from construction noise and vibration as recommend by para 8.1.2 of the Merebrook Environmental Noise Assessment Report ENA-1943-15-280 Rev B dated December 2015.
- (c) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the plot
- (d) Location of construction compound and design and provision of site hoardings
- (e) Management of traffic visiting the plot including temporary parking or holding areas
- (f) Provision of off road parking for all site operatives
- (g) Measures to prevent the transfer of mud and extraneous material onto the public highway
- (h) Measures to manage the production of waste and to maximise the re-use of materials
- (i) Measures to minimise the potential for pollution of groundwater and surface



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water

- (j) The location and design of site office(s) and storage compounds
- (k) The location of temporary vehicle access points to the plot during the construction works (including loading and turning of construction vehicles)
- (l) Lorry routing to the site from the M20
- (m) The arrangements for public liaison during the construction works

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

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

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

## 8 **Compliance with approved plans**

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

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

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

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

- 10 Prior to the occupation any dwelling hereby approved, a scheme for the control of noise and vibration of plant (including mechanical ventilation, refrigeration, air conditioning and air handling units) to protect occupants from noise and vibration to be used shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the building. The

equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

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

#### 11 **Drainage – Foul and Surface Water**

Prior to the commencement of the development hereby approved details of the works for the disposal of sewage serving buildings shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

#### 13 **Visual amenity**

Without the prior written consent of the Local Planning Authority:

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

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

- 14 No vents or flues shall be located on any façade of the buildings hereby approved other than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, or as per details already shown on the approved

drawings.

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

### **Notes to Applicant**

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

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

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

In this instance the applicant/agent was updated of any issues after the initial site visit,

- was provided with pre-application advice,
- the application was acceptable as submitted and no further assistance was required.
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

#### **2. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern**

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Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW  
(Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

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<b>Application Number</b>	17/01357/AS
<b>Location</b>	Trafalgar House, Elwick Road, Ashford, Kent
<b>Grid Reference</b>	0085/4255
<b>Ward</b>	Victoria
<b>Application Description</b>	6 storey development comprising ground floor retail/ restaurant premises use class A1/A2/A3/A4/A5 with 14 no 1-bedroom flats above with roof terraces.
<b>Applicant</b>	Shaptor Capital Ltd Castle House Castle Hill Avenue Folkestone, Kent, CT20 2TQ
<b>Agent</b>	OSG Architecture Ltd Wyseplan Building Occupation Road Wye, Ashford, Kent, TN25 5EN
<b>Site Area</b>	0.03
(a) 45/1R	(b) (c) SW - X KCC (H&T) – X KCC (FWM) - R ES (EP) – X AA – R KCC (ED) – X KCC (PP) - X

**Resolved:**

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

**a. Libraries**

**b. Monitoring fee**

**as detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites and Design or the Development Control Managers in consultation with the Corporate Director (Law & Governance) with delegated authority to either the Head of Development Management and Strategic Sites and Design or the Development Control Managers to make or approve minor changes to**

the planning obligations and planning conditions (for the avoidance of doubt including adding additional obligations / planning conditions or deleting obligations / conditions) as they see fit.

**Table 1**

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 10 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</p>	<p><b><u>£672.22</u></b></p> <p>£48.02 per dwelling</p>	Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings
2	<p><b><u>Monitoring Fee</u></b></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><b><u>£1000</u></b></p> <p>per annum until development is completed</p> <p>or</p> <p>£X one-off payment</p>	First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the types of infrastructure above have been entered into.</p> <p><a href="#">Notices</a> must be given to the Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the committee's resolution, the application may be refused.</b></p>			

**(B) Permit**

Subject to the following conditions and notes:

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

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

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

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

3. No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The Management Plan shall include the following:
  - a. parking for site personnel, visitors and operatives; details of areas for the loading and unloading of plant and materials, and provision on-site for turning for construction vehicles including HGV's;
  - b. details of areas for the storage of plant and materials;
  - c. details of the form and location of any proposed temporary works compounds; and
  - d. details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

The approved Management 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.

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

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

5. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and

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approved in writing by the Local Planning Authority. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

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

- 6 Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

**Reason:** To prevent the transmission of fumes and odours into neighbouring properties to protect amenity.

7. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority and such approved works shall be carried out before occupation and appropriately retained and maintained in perpetuity.

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

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

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

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

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

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

10. Without the prior written consent of the Local Planning Authority:
- a. Notwithstanding the provisions of Parts 2a - f, 7a - e, 14a - d, 16a - c, of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development permitted by those parts shall be carried out.
  - b. No fixtures shall be attached to the exterior of the building.
  - c. No structures shall be placed or installed on the roof of the building.
  - d. No flues, vents, stacks, extractor fans, external pipework or meter boxes shall be located on the Bank Street elevation of the building.

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

11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To reduce the risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site.

12. Before any works are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority and the works thereafter shall be carried out in accordance with the approved details.
- a) Details of any flues, grilles, vents to be installed including location, colour and materials.
  - b) Details of rainwater goods and soil pipes to be installed.
  - c) Details of balconies
  - d) Eaves detail
  - e) Sections and details of joinery, including colour



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f) Details of fascias

g) Details of window reveals & details of the glass balustrade

h) Details of mortar colour and joint type and size.

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

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

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

14. Before any dwelling is occupied, details of secure covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to occupation of any of the units and retained permanently for this use.

**Reason:** To ensure adequate provision of cycle parking in the interest of highway safety.

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

**Reason:** To help future proof the development

16. 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.

17. Prior to the commencement of the development hereby approved details of a Construction Management Plan shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details. The submission shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Provision of measures to prevent the discharge of surface water onto the highway.
- (g) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

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

18. Prior to the commencement of the development details of a strategy to salvage and clean the shared space materials together with a programme for returning of the materials to Kent County Council Highways and Transportation shall be submitted to and approved by the Local Planning Authority in writing and thereafter the development shall be carried out in accordance with the approved details.

**Reason:** In the interests of the visual amenity of the area as the materials will be re-used within the locality.

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

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

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

### Notes to Applicant

1. Working with the Applicant

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

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

In this instance

- f. the applicant/agent was updated of any issues after the initial site visit,
  - g. was provided with pre-application advice,
  - h. The applicant was provided the opportunity to submit amendments to the scheme to address highway issues.
  - i. 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. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the 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)

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

3. The applicant's attention is drawn to the comments received from Southern Water a copy of which can be viewed on the Council's website at <http://planning.ashford.gov.uk/>.
4. Planning permission does not convey for any 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. 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.

- 6 The proposals will require a Section 278 Agreement in order to tie the proposals into the existing highway.

This can be agreed with the Ashford District Manager, Lisa Willoughby 03000 418181.

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- 7 In respect to condition 18, the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optic network offering a single optical fibre to multi point destinations ie. fibre direct to premises.
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<b>Application Number</b>	17/01668/AS
<b>Location</b>	Land south of Gilham Farm known as lot 3, Luckhurst Lane, Smarden
<b>Grid Reference</b>	87469 / 40788
<b>Parish Council</b>	Smarden
<b>Ward</b>	Weald North
<b>Application Description</b>	Erection of stable block to replace those approved under application 06/01506/AS
<b>Applicant</b>	Mr P Hare
<b>Agent</b>	Mr M Green Green Planning Studios Ltd
<b>Site Area</b>	XX

(a) 10R 1+ (b) Smarden PC R (c) ESM X; WKPS X

In accordance with Procedure Rule 9.3, Mr Beckett, a local resident, spoke in objection to the application. He owned Gilham farm which was adjacent to Lot 3. He objected to the rebuilding of the stables for a number of reasons. The visual impact would be greater than it was when the original permission was granted in 2007 due to the fact that some of the hedges had now been cut back to a normal height. This was in order to improve the visibility on a very narrow lane which carried a number of vehicles throughout the day. The second objection was that, over the ten years that the stables had been there, there had been considerable disturbance and distress caused to Mr Beckett and his wife. The behaviour of some of the occupiers of the land did not comply with the terms and conditions which were set out at the time of the appeal when permission was granted. It was very difficult from the Council's point of view to monitor on a daily basis whether these conditions were being complied with, but as a nearby resident Mr Beckett could see that this was not the case. As a result Mr Beckett opposed the rebuilding of the stables. In his view the occupiers were running a form of business, which was specifically excluded by the appeal decision. The owner had been letting out the field to various people for their horses, many of which had been left in a distressed state. Some had died and others had been in need of veterinary attention, which they did not receive. The

animals had sometimes been left unfed and unattended. Hence, Mr Beckett opposed the proposed development on Lot 3.

In accordance with Procedure Rule 9.3, Mr Green, the agent, spoke in support of the application. He said the Committee should decide the matter on planning issues only, and this application was for a replacement for the stable block that was granted permission in 2006. It was accepted by the Council that the principle of keeping horses on this land was already established, and the site had a stable block on it that was used by the previous occupants of the land prior to its destruction. The impact upon the visual amenity of the area was minimal as the building would be shielded from view by the hedge alongside the lane and could not be seen from the gate. Hedges could grow up as well as be cut down. The construction of the building would be in keeping with similar buildings of that type found in a rural setting. Neighbouring properties would not be unduly affected, either visually or from noise or odour. Public amenity was not compromised. The impact on highway safety was likely to be low, as the number of extra vehicle movements would be insignificant, particularly with the proposed condition limiting the use to private, non-commercial use only. The effect upon ecology was likely to be minimal as the site had already been grazed and the building would be situated on the existing hardstanding. The application accorded with the Development Plan policies listed in the Officer's report. The Recommendation for approval came with nine conditions and the applicant would comply with all of them. Although the issue of animal welfare was not a planning matter, the issue had been raised in the course of this application and did arouse great passions. Mr Green had been informed that the instances referred to had involved a previous occupier. Following the proposed conditions there was an informative regarding animal welfare. The applicant had been appraised of this and intended to comply with the Defra code of practice. He also intended to remove any ragwort found on the site. As some of the horses intended to be stabled at the site were expensive and of great sentimental value to the applicant's daughter, the applicant had every incentive to ensure their health and wellbeing. Mr Green urged Members to approve this application.

In accordance with Procedure Rule 9.3, Ms Ellison spoke on behalf of Smarden Parish Council in objection to the application. The Parish Council objected on a number of grounds. The site was within an area of pleasant, unspoiled countryside which was designated as a special landscape area. The Borough Council sought to protect the quality of landscapes of such areas, as well as the countryside generally. The aim was perpetuated in the Local Development Framework Core Strategy. In the 11 years since the stables were permitted on appeal, this fundamental tenet of the Council had been consistently abused by a steady stream of occupiers of the site and stables. The various enforcement notices and reports to the Council on non-compliance and breaches of planning permissions underlined why this site should be refused. The site was in the open countryside. While the Officer's report stated that it was not visible from Gilham Farm, it was visible from a nearby lane and the houses in that area. It stood at one of the highest points in the parish. This proposal would harm, and had consistently harmed, the site and appearance of the neighbouring countryside, and a stable block standing on its own was incongruous in its setting

and out of character with the area. In 2007 the Inspector stated that Gilham Farm was a site of nature conservation importance in the Local Plan and there was no evidence that the application for stables would harm this. There was now evidence that by allowing the stables on appeal in 2007, harm had been caused to the site for over 10 years. Guidelines stated that stables should be adjacent or near to dwellings. This was not the case. The site was not suitable for stables as it was remote, in open countryside and away from any dwelling. Mobile homes were likely to follow this form of development. History and knowledge of the Borough should dictate that the lack of any structures on this site would make it less appealing for mobile homes. The Officer's report gave little weight to the considerable weight applied to the harm to the landscape character of this site by the appeal Inspectors in 2007 and 2017. It would be naïve to ignore the Inspectors' comments about the significance of the landscape character. The landscape had not changed since 2007 or 2017, and was still the same open Wealden countryside, just as vulnerable now as it was previously. The Officer's report stated that the stables were sympathetic to the site's rural setting, and the character of the countryside would be preserved. However, this was not the case, and Ms Ellison asked Members to refuse the application.

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

**Resolved:**

**Refuse**

For the following reasons:-

The proposed development would be contrary to policies GP12 of the Ashford Borough Local Plan 2000, CS1 and CS9 of the Local Development Framework Core Strategy (2008), TRS 17 of the Tenterden and Rural Sites DPD, and SP1 and ENV3a of the Ashford Local Plan to 2030 and to the adopted Stables, Arenas and Horse Related Development SPD and to Government Guidance contained in the National Planning Policy Framework and would therefore be contrary to interests of acknowledged planning importance for the following reasons:

1. The proposal would unacceptably and detrimentally impact upon the visual character of the Haffenden Quarter Farmlands Low Weald Landscape Character Area due to the visual impact of a large and prominent building in the landscape, which is exacerbated by its isolated position and lack of grouping with other buildings. The visual appearance of the proposed stable block is overly specified in terms of materials leading to an urbanising effect.
2. The isolated location of the proposal would be likely to lead to security and welfare issues, to the detriment of the amenity of local residents as the stable block would not be located where it is easily overseen from a related dwelling. The adopted SPD states that stables should ideally be located close to the dwelling occupied by the person responsible for the care of the horses. This helps to minimise the visual impact of the buildings in the landscape as well

as provide a sensible level of security and readily available care for the horses. The nearest dwelling is several hundred metres away and not associated with the proposal.

### **Notes**

#### Working with the Applicant

- In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

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<b>Application Number</b>	17/01781/AS
<b>Location</b>	4 Parker Close, Hamstreet, Ashford, Kent, TN26 2JQ
<b>Grid Reference</b>	00060/33249
<b>Parish Council</b>	Orlestone
<b>Ward</b>	Weald South
<b>Application Description Applicant</b>	Erection of a two-storey side extension to form annexe accommodation and part conversion of garage to form cloakroom
<b>Agent</b>	Mr & Mrs Pettit c/o Agent
<b>Site Area</b>	Nick Highton 11 Cherry Garden Lane Folkestone Kent CT19 4AD
(a) 9/-	(b) - (c) -



**Resolved:****Permit**

Subject to the following conditions and notes:

**Time limit for implementation**

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

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

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

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

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

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

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

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

Plans/Documents approved

Location Plans

Existing Elevations 17/61-2

Proposed Details 17/61-3

Site Plan 17/61-4

**Note to Applicant**

1. Working with the Applicant

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- 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/agent was updated of any issues after the initial site visit,
  - the application was acceptable as submitted and no further assistance was required.
  - The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
  - The application was dealt with/approved without delay.
  - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application
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<b>Application Number</b>	17/01170/AS
<b>Location</b>	Land at Chilmington Green, Ashford Road, Great Chart, Ashford, Kent
<b>Grid Reference</b>	97953/40353
<b>Parish Council</b>	Great Chart with Singleton
<b>Ward</b>	Great Chart with Singleton North
<b>Application Description</b>	Layout, Access, Scale, Landscaping and Appearance of development at Chilmington Green for 346 residential dwellings, which comprises a mix of two bedroom apartments, two, three, four and five bedroom houses within Land Parcels B, C, J & K within Main AAP Phase 1.
<b>Applicant</b>	Hodson Developments
<b>Site Area</b>	15.70 Hectares

(a) 36/2R	(b) Great Chart X Shadoxhurst X Kingsnorth +	(c) EA R, SWS R, KCC (H&T) R, CMO PT X, KCC PP X, KCC BIO X, EHM (EP) X, ABC OSS R, PO(Drainage) R, ABC Culture R, AAG X
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The Head of Development Management and Strategic Sites drew Members' attention to the Update Report. There were a number of very recent updates to the report, general and specific amendments to the revised Recommendation, an update on conditional material, and details of further responses from consultees. The revised Recommendation was set out, including the amendments.

In accordance with Procedure Rule 9.3, Mr Chapman, the agent, spoke in support of the application. This reserved matters application was the culmination of over ten years' work on Chilmington Green. The applicant had worked closely with Council teams and consultants, and attended numerous pre and post- application meetings. Two Design Panel workshops had also been held. Amendments and further improvements had been incorporated into the proposals, including changes to the Masterplan layout, fine-tuning the architectural approach and materials, landscaping and detailed technical changes arising from consultation with Highways. The outline Masterplan covered the whole site, and a detailed design code would provide quality

assurance. The applicant sought to create a sense of place, unity, distinctiveness and a sequence of character areas. The design code also set out key principles for the development. The neighbourhood would be characterised by high-quality contemporary design. The design of individual buildings would respond to the degree of formality within the neighbourhood. Key groupings in the design code would have a coherence to create harmonious composition. Architects had been encouraged to express individual design along the boundaries to create varied housing. Different design emphasis was also encouraged, with clusters of housing retaining hedgerows to allow a natural separation between different areas of the development. The Masterplan set out a sequence of character areas, with five main defined areas. This first phase would set the standard for the rest of the development.

**Resolved:**

1. **Subject to the receipt of satisfactory amended plans and details in the opinion of the Head of Development Management and Strategic Sites covering the following issues:-**
  - (a) The provision of satisfactory detailed planting schedules for all landscaped areas.
  - (b) The submission of a Landscape and SuDs maintenance and management strategy as set out in the report
  - (c) Revision to the details of the Greensand Way connecting PROW width to a minimum 3m & hardsurfacing of the route
  - (d) Full details including samples of all materials being supplied and acceptable
  - (e) Revised front boundary details as detailed in the report
  - (f) Increased Garden Depths to accord with the Council's space standards.
  - (g) Amended Refuse strategy showing compliant vehicle tracking
  - (h) Compliance with adopted parking standards
  - (i) Amendments to take account of KCC Highways and Transportation concerns
  - (j) A S96A for the variation of condition 18 to be submitted and approved.
  - (k) Changes to hard landscape proposals to accord with the DC i.e. footways being brick paving rather than Tarmac or Block Paving
  - (l) Advance Planting Details being acceptable or revisions made.
  - (m) Timing of the provision of noise mitigation measures

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- (n) Provision of an acceptable External Lighting plan
  - (o) Full submission to discharge condition 50 in an acceptable manner
2. **And subject to a full re-consultation on all the amended plans and details and no new issues of substance in the opinion of the Head of Development Management and Strategic Sites being raised, and the withdrawal of the objections by the Environment Agency and KCC Highways and Transportation.**
  3. **Authority be delegated to the Head of Development Management and Strategic Sites to issue Reserved Matters Approval and to make or approve minor changes to the proposed conditions (for the avoidance of doubt including adding conditions or deleting conditions) as she sees fit,**

Subject to the following conditions and notes:

1. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved by the Local Planning Authority in writing and thereafter implemented in accordance with the approved details:
  - a) Precise scaled elevational drawings of the proposed vehicle bridge/culvert crossing over the existing ditch to the south west of Great Chart Green.
  - b) 1/20 drawings showing sections through the bridge walls/enclosures to include profile of edge of bridge and balustrade, as well as any balustrade design
  - c) Sample panels of facing stonework showing the proposed stone, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work has been completed and has been approved.
  - d) Scaled plans of revised outflow headwalls to Pond 3 and Ponds 4a/4b. The plans shall show the headwall set flush with the embankment and clad in stonework, with the omission of the projecting buttress details.

**Reason:** In the interests of securing a high quality development.

2. Prior to the commencement of the development hereby approved the following details shall be submitted to and approved by the Local Planning

Authority in writing and thereafter implemented in accordance with the approved details:

1. Play equipment specification
2. Bat and bird boxes for all houses

**Reason:** In the interests of securing a high quality development and to meet the requirements of the bio-diversity strategy.

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

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

### Notes to Applicant

#### 1. Working with the Applicant

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- 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. Approval of Details A

This approval discharges all conditions attached to outline planning permission reference 12/00400/AS insofar as they require details of the proposed development to be submitted to and approved by the Local Planning Authority. Any variation to the approved details will, however, need to be submitted for further approval before the relevant work is carried out. The applicant should also be aware of the continuing obligations imposed by some conditions as the development progresses and is completed.

## 3. Environmental Protection Act 1990

The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.

## 4. Advice on Landscaping and Trees

In connection with the above conditions the applicant is advised to contact the Landscape Officer in the Council's Planning and Development Unit

## 5. Estate Roads - Design and Adoption

The estate roads to be designed and built to adoptable standards in accordance with the current requirements of the Highway Authority are to be subject to an adoption agreement under Section 38 of the Highways Act which must be entered into before the development or any part of it is occupied.

## 6. Wildlife and Countryside Act 1981

The applicant's attention is drawn to the provision of Wildlife and Countryside Act 1981.

## 7. Drainage

The applicant should ensure that surface water drainage is not directed to, or connected to, the public foul sewer.

## 8. Provision of Utilities to Develop Sites

The applicant is advised to contact those bodies responsible for the supply of gas, electricity, water, telephone and other such services as soon as possible to ascertain the requirements and to ensure that suitable provision is included within the detailed plans submitted to the Local Planning Authority pursuant to this permission. The applicant should take steps to ensure that the services are installed in their co-ordinated manner at the time of development and that electricity and telephone supply cables are placed underground. The applicant's attention is drawn to the guidelines set out in the national Joint Utilities Group Publication Number 2 (further details available from NJUG Secretariat c/o The Electricity Council, 30 Millbank, London, SW1P 4RD).

9. Building Regulation Consent

The applicant is advised that consent under the Building Regulations is required for the works proposed.

10. Water Resources Act

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into water which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Kent Area Office (Water Quality Department) to discuss this matter further.

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