

Planning Committee

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

Present:

Cllr. Burgess (Chairman);

Cllr. Link (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Buchanan, Clarkson (ex officio), Clokie, Mrs Dyer, Farrell, Galpin, Heyes, Hicks, A. Howard, Howard-Smith, Krause, Macpherson.

In accordance with Procedure Rule 1.2 (iii) Cllrs. Mrs Dyer and Howard-Smith attended as Substitute Members for Cllrs. Bradford and Dehnel.

Apologies:

Cllrs. Bradford, Dehnel, Ovenden, Waters.

Also Present:

Joint Development Control Manager; Strategic Applications Team Leader; Head of Planning & Development; Cultural Projects Team Leader; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

385 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Mrs Blanford	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society and the Campaign to Protect Rural England.	387 – 17/00625/AS
Burgess	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Clarkson	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS
Clokie	Made a Voluntary Announcement as a Member of the Weald of Kent Protection Society.	387 – 17/00625/AS

Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council.	387 – 17/01674/AS 387 – 17/01759/AS
Heyes	Made a Voluntary Announcement as he had attended meetings of the Repton Community Trust, although he was not a member of the Trust.	387 – 18/00104/AS

386 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 14th February 2018 be approved and confirmed as a correct record.

387 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: -

Application Number	17/00625/AS		
Location	Land between Boughton Cottage and Millview Cottage, Mill Lane, Smarden		
Grid Reference	88496/42661		
Parish Council	Smarden		
Ward	Weald North		
Application Description	Outline application for the erection of two x 1 bedroom apartments, five x 2 bed apartments and houses, three x3 bed houses, four x 4 bedroom houses and associated development to consider new access to Mill Lane only, with all other matters reserved.		
Applicant	Rydon Homes, Rydon House, Station Road, Forest Row, East Sussex RH18 5DW		
Site Area	0.49 hectares		
(a) 20/47R	(b) Smarden Parish Council - R	(c)	KHS R, KCCDC X, KSS X, PROW X, KCC (BIO) R, KAS X, PO (Drainage) X, EH (EP) X, CSCF X, POL X, EH (ES) X, SWS X, CPRE R, WKPS R

The Joint Development Control Manager drew Members' attention to the Update Report and the following changes: two additional representations to object on pages 48-49; additional references on pages 50 and 53; minor changes to wording on page 56; additional paragraphs added on pages 77-78; additional reasons for refusal at para 1. and minor wording changes at paras 2 and 3 of the Recommendation.

In accordance with Procedure Rule 9.3, Ms Gardner, a local resident, spoke in objection to the application. She said she was speaking on behalf of the residents of Mill Lane. Historic applications to build on this site had all been rejected on highway grounds. The dangers of the lane remained unchanged, and had become compounded by the increase in traffic over the years. Residents of Smarden increasingly commuted to work because there was little work in the village. Mill Lane was a narrow, unlit country lane, with four blind corners. It was difficult for a car and a pedestrian to pass and impossible for two cars to pass without mounting the grass verges. There were four passing places, but it had been noted that the plans mentioned several informal passing places. These were, in fact, residents' private driveways and not maintained by Highways. Residents strongly objected to them being included in the plans as informal passing places. The new proposed passing place on the plans appeared to require private land and this was not a satisfactory

solution. The approved development of 50 new houses would also impact on Mill Lane. This would be the obvious route out of the village to Headcorn, with its village amenities and station. The traffic survey completed to support the plans showed a low traffic count. However, it had been carried out in a week when it snowed, so it gave an inaccurate picture on which to base projected figures. This plot of land had been put forward for consideration as part of the emerging Local Plan, and had been subsequently rejected for all the reasons now being raised by residents. The reasons given by the Council initially to reject the plot had not been mitigated by any of the current proposals. There was also photographic evidence of Great Crested Newts, and it was believed the newts used the ditches along Mill Lane to migrate between their ponds. Residents agreed with the conclusions and the recommendations made in the report and asked Members to reject this proposal.

In accordance with Procedure Rule 9.3, Mr Willcox, the applicant, spoke in support of the application. He said that in view of the recent appeal decision relating to Gower Barn Farm, it was surprising that Officers still maintained that the Council had a five-year housing land supply. As such, paragraph 49 of the NPPF was engaged and policies relating to the supply of housing were thus out of date and the presumption was in favour of sustainable development. Smarden was recognised as a sustainable settlement. The site was suitable for housing and, although outside the limits of the built development of the village, it adjoined the development boundary. All reasons for refusal were capable of resolution, either at reserved matters stage, through the imposition of conditions, or by way of legal agreement. The layout presented was an indicative arrangement and would be subject to further consideration at reserved matters stage. The site was surrounded by houses and gardens to all sides and should be described as an infill scheme rather than an incursion into the countryside. The number of dwellings reflected an effective and efficient use of the site. The indicative layout demonstrated a well-spaced form of housing and frontages along Mill Lane and a continuation of the present character. It sat well with the grain of the adjoining Glebe Close. There was an existing established pedestrian route across the site which linked Glebe Close to the village playing fields. The proposed development would use this route as its pedestrian access. It had been confirmed that the landowner was willing to enter into an agreement to make the necessary footpath improvements and to formalise this established route to make it a public right of way. The phase 1 habitat survey had shown that there may be potential on the site for Great Crested Newts. The applicant had assumed that this was the case and had found adjoining land to mitigate this by translocation if the level of the population was such that the newts needed to be moved. Mr Willcox said all the reasons for refusal could be overcome.

In accordance with Procedure Rule 9.3, Mr Wilson, on behalf of Smarden Parish Council, spoke in objection to the application. He said the site was not part of the emerging Local Plan and had been rejected previously due to poor access, lack of pedestrian access to the village and the fact that Mill Lane was a narrow, single track road with the national speed limit. It was completely unsuitable for any additional residential development. HGV vehicles were signed along it because Mill Lane was the only alternative route to the village centre, but it was clearly unsuitable. The suggested passing points mentioned by the developer were unworkable. Some appeared to be on private land and the lane was not wide enough or safe enough for this suggestion. One of the current lay-bys was often used as a parking space by walkers and should not be considered as a passing place. The survey regarding the

peak traffic movements was economic with reality. Local knowledge indicated that Mill Lane was a rat run during peak hours. The road would face increased traffic due to the 50 new houses approved on appeal, which were due to be built close to this site. This should be considered for the future sustainability of Mill Lane. The new houses were likely to use the Lane, which would further add to the weight of traffic. Smarden had fulfilled and exceeded the recommended level of new building, as specified in the emerging Local Plan and this site was very close to the 50 houses already agreed. There was new photographic evidence of the presence of Great Crested Newts in the surrounding ditches and ponds, and the Parish Council believed that an enhanced habitat survey would confirm this. Smarden Parish Council asked Members to support the Officer's recommendation and refuse the application.

Resolved:

Refuse on the following grounds:

1. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9 and EN10, Core Strategy 2008 policy CS1, CS6 and CS9, Tenterden and Rural Sites DPD 2010 policy TRS1, TRS2 and TRS17, submission Local Plan 2030 policies SP1, SP2, SP6, HOU3a and HOU5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
 - a) the edge of village location is poorly related to the village of Smarden as the proposed development would not integrate with the existing settlement and does not meet sustainability objectives. The proposal represents unsustainable development.
2. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policies GP12, EN9 and EN10, Core Strategy 2008 policies CS1 and CS9, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policies ENV3 and ENV5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
 - a. the proposed development in terms of its amount, form and extent would consolidate the loose-knit rural grain of development along Mill lane and would erode an important undeveloped gap which acts as an important transitional area between the denser built confines of the village and countryside beyond. Consequently the proposal would harm the character and appearance of the street scene, the visual amenity of the area and the character and appearance of the countryside.
3. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy GP12, Core Strategy 2008 policy CS1, submission Local Plan 2030 policies HOU3a, HOU5 and TRA5, the National Planning Policy Framework and Planning Policy Guidance, for the following reasons:-
 - a) the quantum of proposed development would generate additional pedestrian traffic and there would be no safe, off-road pedestrian access to

the village and bus stops resulting in an adverse impact on pedestrian safety and does not meet sustainability objectives

4. The proposal would be contrary to saved Ashford Borough Local Plan 2000 policy EN31, Core Strategy 2008 policy CS11, Tenterden and Rural Sites DPD 2010 policy TRS17, submission Local Plan 2030 policy ENV1, Circular 06/2005, the National Planning Policy Framework and Planning Policy Guidance, Habitats Directive: article 6(4) and the requirements of the Wildlife and Countryside Act 1981 for the following reasons:-

a) the applicant has failed to carry out additional surveys for Great Crested Newts to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

b) the applicant has failed to carry out additional surveys for reptiles to demonstrate that there would be no harm to these protected species and their habitat and that the receptor site would have sufficient carrying capacity for the translocation.

c) As a result of a) & b) above the impact on matters of ecological interest cannot be determined nor can the mitigation proposed be known to be adequate. The proposal in the absence of this information would be detrimental to matters of ecological importance.

5. The proposal would be contrary to the KCC Guide to Development Contributions 2007, SPG3 Developer Contributions / Planning Obligations 2001, Public Green Spaces and Water Environment SPD 2012, saved Local Plan 2000 policy CF21, Tenterden and Rural Sites DPD 2010 policy TRS19, policies CS1, CS2, CS8, CS18 and CS18a of the Core Strategy 2008 and submission Local Plan to 2030 policies COM1 and COM2 the National Planning Policy Framework and Planning Policy Guidance. The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand for services and facilities that would be generated and the reasonable costs of monitoring the performance of the necessary obligations:

a) a financial contribution towards cemetery project, play space project, library bookstock, outdoor sports pitches, strategic parks project and secondary school infrastructure projects based on the yield of the housing mix; and

b) a contribution of £6,000 for an extension to Smarden Charter Hall

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	<p><u>Cemeteries</u></p> <p>Project by Smarden Parish Council: extend the existing cemetery</p>	<p>£284 per dwelling for capital costs</p> <p>£176 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
2	<p><u>Children's and Young People's Play Space</u></p> <p>Project for Smarden Parish Council: New equipment and safer surfacing at Smarden play area, The Street</p>	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
3	<p><u>Libraries</u></p> <p>Additional bookstock to meet the additional demand upon the local mobile Library service which attends in Smarden</p>	<p>£48.02 per dwelling</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

4	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p>£1,000 per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years</p>
5	<p><u>Outdoor Sports Pitches</u></p> <p>Project by Smarden Parish Council: contribution would be towards a drainage system for the cricket and football pitches</p>	<p>£1,589 per dwelling for capital costs</p> <p>£326 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
6	<p><u>Secondary Schools</u></p> <p>Project: Norton Knatchbull expansion -28 replacement parking spaces project</p>	<p>£589.95 per flat</p> <p>£2359.80 per house</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>

7	<p><u>Strategic Parks</u></p> <p>Project: Conningbrook Lakes Country Park for the footpath link from the car park to the play area</p>	<p>£146 per dwelling for capital costs</p> <p>£47 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
8	<p><u>Voluntary Sector</u></p> <p>Project by Smarden Charter Hall: storeroom extension to Charter Hall</p>	<p>£6,000</p>	<p>Upon occupation of 75% of the dwellings</p>
<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><u>Notices</u> must be given to the Council at various stages in order to aid monitoring. All contributions are <u>index linked</u> in order to maintain their value. The Council's legal costs in connection with the deed must be paid.</p>			

Note to Applicant

1. Working with the applicant

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

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

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- discussions were held with Planning Policy regarding the draft allocation,
- the applicant submitted additional plans in relation to drainage, highways and refuse
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	17/01759/AS	
Location	Former Pledges Mill and South Kent College Site and land south of junction of Beaver Road and, Victoria Road, Ashford, Kent	
Grid Reference	00992/42245	
Ward	Victoria	
Application Description	Proposed minor material amendments to planning permission 16/01157/AS involving design changes to Phase A2 x 3 commercial uses (Use Classes A1/A2/B2) & Phase A3 (219 residential units) with associated parking, substations, landscaping and access works relating to land south of Victoria Road ONLY with no design changes to the approved brewery, with shop, bar and restaurant (Use Classes B2/A1/A3/A4)	
Applicant	Victoria Way Ashford LLP	
Agent	Nathaniel Lichfield & Partners	
Site Area	1.67	
(a) 67/ -	(b) -	(c) KHT +, EA X, ES (Refuse) X, KCC Flooding X, ABC (Drainage) X, KWT -, SACF -, VBRAG -

The Strategic Applications Team Leader drew Members' attention to the Update Report. There was an erratum in para 179 and further clarification at para 71 and

condition 67. There was a representation from Kent Highways and Transportation, an update to condition 67 and an amendment to Recommendation (A).

Resolved:

(A) Subject to the existing section 106 agreement/undertaking in respect of the planning obligations entered into in respect of planning permission 16/01157/AS being carried forward as necessary and as applicable to the amended development subject of this application in terms agreeable to the Head of Development Management and Strategic Sites or the Development Control Managers in consultation with either Director of Law and Governance or the Head of Legal and Democracy and subject to the receipt of amended drawings that deal, to the satisfaction of the Head of Development Management and Strategic Sites, with the points raised by Kent Highways and Transportation, 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 (and for the avoidance of doubt including adding additional planning conditions or deleting conditions) as seen fit (including any need to adjust conditions as necessary to take account any approvals already issued by the Council in relation to conditions attached to planning permission 16/01157/AS).

(B) Permit

Subject to the following Conditions and Notes:

References to development phases in this permission

'Phases' in this permission means a phase as identified on the approved plan (as shown on plan 15.043.006 P3), and references to phases A1, A2 and A3 are references to the phases shown on the drawing. For the avoidance of doubt, the substation identified adjacent to the Brewery and Aldi store falls outside of phase A1. If the phase boundaries subsequently change, a revised plan shall be submitted to and approved in writing by the Local Planning Authority.

Applicability of conditions

Planning conditions 1-3 apply to all the development irrespective of Phase
Planning conditions 4–32 apply to development on land forming Phase A1
only Planning conditions 33-60 apply to development on land forming Phase
A2 only Planning conditions 61-90 apply to development on land forming
Phase A3 only

- 1 The development hereby permitted shall be begun before the expiration of 07/04/2019 years from the date of this decision.

Reason: To comply with the requirements of Sections 73 and 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 of land shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

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

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

LAND FORMING PHASE A1 TO NORTH OF VICTORIA ROAD (BREWERY/SHOP/BAR/RESTAURANT - B2/A1/A3/A4)

Materials

- 4 Prior to installation written details including source/ manufacturer, and samples of bricks, tiles, slats, mesh/corrugated metal and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A1 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

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

Contamination

- 5 (A) The development of land forming Phase A1 shall only be carried out in accordance with the remediation and mitigation measures set out in the approved MLM Phase 2 Geoenvironmental Assessment Report (Ref: 773965-REP-ENV-001 Rev 0 dated September 2016) unless otherwise agreed in writing by the Local Planning Authority.
- (B) Following completion of the approved remediation scheme for the land forming Phase A1 and prior to the first occupation of the brewery building, a verification report that demonstrates the effectiveness of the remediation

measures and mitigation that have been carried out shall have been submitted to, and approved in writing by, the Local Planning Authority.

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

- 6 If, during development of land forming Phase A1, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A1 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure the protection of controlled waters.

Fine detail

- 7 Prior to usage in the building approved on the land forming Phase A1, unless specified to the contrary, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- (a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- (b) rainwater goods, eaves, fascia and canopy / colonnade details (including supporting posts) (1:20/1:50)
- (c) details of vents, louvres, extractor vents together with locations any 1:20 details of any roof top screens to any roof top plant and equipment to be installed
- (d) 1:50 details of the proposed double height water feature to be created on the façade to Victoria Road

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

Vehicle and Cycle Parking/Highways

- 8 Provision shall be made within the land forming Phase A1 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

- 9 The access details shown on the approved plans for the development of land forming Phase A1, including off-site footway works to replace the redundant vehicle access and all visibility splays, shall be completed prior to the occupation of any buildings hereby approved / the use of the site being commenced, and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

Reasons: In the interests of highway safety.

- 10 The area shown on the approved layout (ref: 15.043 050 Rev A) as vehicle parking or turning space serving the development of land forming Phase A1 shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 11 No building on land forming Phase A1 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved facilities shall thereafter be retained available for use.

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

- 12 Prior to installation on the land forming Phase A1, full details of the proposed gate to the vehicle access to Victoria Road (including elevational and cross-sectional details at 1:50 scale, materials and final colour finish) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the gate shall only be installed in accordance with such details unless the Local Planning Authority has approved to any variation in writing.

Reason: No such details have been provided.

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- 13 Prior to the first operation of the permitted use on the land forming Phase A1 for the purposes of brewing, a scaled plan showing the site, on-site location and number of off-site employee parking spaces in the control of the applicant shall have been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the spaces shall be retained available to meet brewery employee parking needs unless the Local Planning Authority has agreed in writing to any variation.

Reason: In order to reduce the burden of the development on town centre car parking resources given the limited provision of on-site parking.

Use

- 14 The premises/site forming Phase A1 shall be used for Use Classes B2/A1/A3/A4 only as in the of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended 2015) and not for any other purpose whether or not in the same use class of any subsequent Order amending, revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

Opening hours to the public

- 15 Unless any variation is agreed in writing by the Local Planning Authority (including any variation needing approval as a result of licensing requirements), the shop, bar and restaurant at the premises/site forming Phase A1 shall only be open to the public between the following hours;-
- (i) Monday to Thursday 09:00 - 23:00
 - (ii) Friday to Saturday 09:00 - 24:00
 - (iii) Sunday 09:00 - 23:00

Reason: In order to ensure that the hours of use of the elements of the building open to the public is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to minimise late night disturbance.

Servicing & acoustic fence

- 16 Prior to any night time servicing (defined as between the hours of 23:00 - 07:00) of the land forming Phase A1 taking place the following details shall have been submitted to and agreed in writing by the Local Planning Authority;-
- (a) the days of the week that night time servicing will take place,
 - (b) the duration of the night time servicing,
 - (c) details of the nature of the night time servicing and the location of the servicing activity on the land, and
 - (d) the proposed measures to mitigate noise from such night time servicing including location, form, size, appearance and any required adjustments to

any previously approved hard and soft landscaping located either within the land forming Phase A1 or on adjacent land.

Thereafter, the brewery shall only be serviced at night time in accordance with such approvals unless the Local Planning Authority has agreed to any subsequent proposed variation in writing. Any measures agreed to mitigate noise pursuant to (d) above shall be implemented in full prior to any night time servicing taking place and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order, shall be retained and maintained in full effective working order.

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

Hard and Soft Landscaping

17 No development shall commence above ground level until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 050 Rev A, unless otherwise agreed in writing.

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

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, the continuous linear planter feature facilitating vertical planting along the colonnade to the building, external seating, gabion walls, water features, elements of the site's historic past to be retained either in situ or relocated and/or commemorated and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(c) The details shall include full details of all walls, gates and fences (including height, width and depth, supporting post and free-standing posts, materials, mesh, final finish colour, connection & junctions with other fencing at the boundary around the Victoria Road substation A1) to be erected.

(d) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority. The walls, gates and fences approved pursuant to (c) above shall be erected before the land forming Phase A1 is first occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

- 18 If any trees and/or plants on land forming Phase A1 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

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

- 19 Prior to the occupation of the development on land forming Phase A1, a landscape management plan including long term design objectives, any hard surfaced areas to be offered to the public authorities for adoption, management responsibilities and maintenance schedules for the landscape areas and the timing of provision of management and maintenance of such areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the details approved by the Local Planning Authority unless previously agreed otherwise in writing by the Local Planning Authority.

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

Sustainable construction

- 20 The development of land forming Phase A1 hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' rating. Under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 6 months of work commencing on a given phase:-

- A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements), Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed, and
- Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, within 6 months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts (i) and (ii) below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

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

Environmental protection, external lighting & prevention of pollution

- 21 (A) Full details of all measures to be taken to deal with any emission of dust, odours or vapours arising from the use of the building on the land forming Phase A1 (including to both the brewery and food and drink uses) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the premises and shall thereafter be operated and retained in

compliance with the approved scheme.

(B) Unless agreed in writing, no outdoor processing (excluding storage tanks) shall take place and no outside spent grain/yeast shall be stored on the land forming Phase A1 unless in a sealed container or tank the details and specification of which have been approved in writing by the Local Planning Authority.

(C) Prior to the first use of the land forming Phase A1 as a brewery, a waste management plan relating to the brewing process (including disposal methods of brewing waste and regularity, details of any on-site storage prior to disposal off-site and details of any agreements that will be needed with other agencies for effluent disposal and transportation of waste off-site) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the land forming Phase A1 shall only be operated in accordance with those agreed on-site waste management plan details.

Reason: (A & B) To seek to prevent transmission of dust, vapours and odours into neighbouring premises to protect amenity and to ensure that the approach taken on-site is one that recognises the context of developing a brewery in a town centre context. (C) To give clarity on how any waste generated by the brewing process will be disposed of safely from the site.

- 22 No external lighting shall be installed on the land forming Phase A1 until details have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles; use of time switches to switch off car park lighting appropriate to the seasons and the approach to security lighting/task lighting: details of mood lighting to the customer staircase entrance to first floor bar & restaurant and hours of operation: details of any mood lighting to external storage vessels located immediately to the west of the brewery and hours of operation). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

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

- 23 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A1 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the water environment.

Sustainable drainage

- 24 No development of land forming Phase A1 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority.

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

The submitted system shall be designed to

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

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

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

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

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

Code of construction practice

- 25 Prior to the commencement of the development on land forming Phase A1, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works

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

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

- 26 In relation to the land forming Phase A1, 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.

- 27 No construction activities shall take place on the land forming Phase A1 until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

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

- 28 No construction works shall take place on the land forming Phase A1 until a construction logistics plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-

95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the construction logistics plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

Reason: In order to ensure that appropriate measures are put in place during construction to mitigate impacts on local air quality.

Archaeology

29 Prior to the commencement of development of land forming Phase A1 the applicant, or their agents or successors in title, will secure and implement:

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

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

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

Ecological Works & Management Strategy

30 (A) Prior to commencement of development on the land forming Phase A1, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

(iii) a timetable for implementation, demonstrating that the proposed on-site habitat ecological works and other measures and any off-site reptile

mitigation strategy are aligned with the proposed phasing of construction,

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

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

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

Fibre broadband To The Premises

- 31 Prior to the first occupation of the land forming Phase A1, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

Protecting rail infrastructure

- 32 Development of the land forming Phase A1 shall only take place in accordance with the terms of a signed Basic Asset Protection Agreement with Network Rail Infrastructure Limited. A copy of the signed agreement shall be provided to the Local Planning Authority prior to commencement of development.

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

LAND FORMING PHASE A2 TO SOUTH OF VICTORIA ROAD (RESIDENTIAL AND COMMERCIAL - C3/B1/A1/A3)

Materials

- 33 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development of land forming Phase A2 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

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

Contamination

- 34 (A) Prior to the commencement of development on land forming Phase A2, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

(B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver land forming Phase A2 as land that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land forming Phase A2 after remediation.

(C) The development within the land forming Phase A2 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A2 and prior to occupation of the building approved within that phase, a verification report for the land forming Phase A2, 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 off-site receptors.

- 35 If, during development of land forming Phase A2, contamination not previously identified is found to be present at the site then no further development within the land forming Phase A2 (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure the protection of controlled waters.

Fine details

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

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades.

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

Vehicle and Cycle Parking/Highways/ Car Club & Electric Vehicle charging facilities

37 Provision shall be made within the land forming Phase A2 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

38 The vehicle access details shown on the approved plans serving the land forming Phase A2 shall be completed prior to the first occupation of the building hereby approved for either commercial or residential purposes and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the

adjacent footway level.

Reasons: In the interests of highway safety.

- 39 The area shown on the approved layout for the land forming Phase A2 (ref: 15.043.021 Rev F, 15.043.020 Rev G and 15.043.003 Rev F) as vehicle parking or turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 40 No building on land forming Phase A2 shall be occupied or the approved use commenced until space has been laid out on the land in accordance with the details shown on the application plans for cycles to be parked. Thereafter, the facilities shall be retained available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice for staff and visitors through the provision of quality secure cycle parking.

- 41 Before the first occupation of each ground floor commercial unit and any apartments in the building hereby approved on land forming Phase A2, the following works between that building and the nearest highway shall be completed;-

- (a) Footways and/or footpaths, with the exception of any wearing course, and
- (b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear.

Reason: In the interests of highway safety and the convenience and amenity of the occupiers of the development.

- 42 Before the first occupation of any ground floor commercial unit and any apartments on land forming Phase A2, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

Reason: In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 43 Prior to the first occupation of any apartment on land forming Phase A2, the applicant shall provide written details to the Local Planning Authority of the following;-

- (a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including access to a local car club and
- (b) the location and number of electric vehicle charging points to be made available for the use of residents.

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

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

Uses

- 44 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the apartments hereby approved above the ground floor commercial units on land forming Phase A2 shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order.

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

- 45 The ground floor commercial units hereby approved on land forming Phase A2 south of Victoria Road shall be used for the purposes specifically applied for (Use Classes A1/A2/A3/B1) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2015 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

Opening hours of ground floor commercial units to the public

- 46 Unless any variation is agreed in writing by the Local Planning Authority, the ground floor A1/A2/A3/B1 uses shall only be open to the public between the

following hours:-

(i) Monday to Sunday 06:30 - 23:00

Reason: In order to ensure that the hours of use of the ground floor commercial uses is appropriate given the context of the site and the existing and planned noise sensitive uses in the neighbourhood and the need to minimise late night disturbance.

Hard and soft landscaping

47 No development of land forming Phase A2 shall commence until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawing 15.043 006 Rev C, unless otherwise agreed in writing.

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

(b) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, bollards to prevent vehicles accessing on-site parking by means other than via the vehicular access to George Street and any necessary methods of demarcating space as a result of its proposed long term private maintenance.

(c) The details shall include full details of any walls, car park gates/barriers, other gates and fences (including height, width and depth, materials, final finish colour) to be erected.

(d) The details shall include a scaled drawing showing soft and hard landscaping to be retained in private ownership and soft and hard landscaping to be the subject of adoption by the local highway authority (or any other public body).

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

(f) If any trees and/or plants on land forming Phase A2 whether new or retained which form part of the soft landscape works approved by the Local

Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

Environmental protection

- 48 Full details of all measures to be taken to deal with any emission of odours or vapours arising from the use of each individual part of the ground floor of the building on the land forming Phase A2 for any Class A3 use shall be submitted to, and approved in writing by, the Local Planning Authority prior to the individual Class A3 use commencing. Any equipment, plant or process provided or undertaken pursuant to such approval shall be installed prior to the first use of the ground floor premises to which it relates and shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of vapours and odours arising from a ground floor A3 use into neighbouring premises and to protect amenity.

- 49 No external lighting shall be installed on the land forming Phase A2 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; use of time switches to switch off car park lighting appropriate to the seasons). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written approval to any proposed variation.

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

- 50 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A2 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the water environment.

Acoustic design measures for apartments

- 51 (A) No development of land forming Phase A2 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking

forward the recommendations in the applicant's acoustic report, energy strategy report and ventilation strategy necessary to achieve BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

(B) No development of land forming Phase A2 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

Reason: To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land.

Sustainable drainage (including green and blue roofs to buildings)

52 No development of land forming Phase A2 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land's location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to:-

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

The submitted details shall include identification of the proposed discharge points from the system, clarify the location and extent of green/blue roofs,

include a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance).

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

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

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

Code of construction practice

- 53 Prior to the commencement of the development on land forming Phase A2, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

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

setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

- 54 In relation to the land forming Phase A2, 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.

- 55 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

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

Archaeology

- 56 Prior to the commencement of development of land forming Phase A2 the applicant, or their agents or successors in title, will secure and implement;-

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

Ecological Works & Management Strategy

- 57 (A) Prior to commencement of development on the land forming Phase A2, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of

tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

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

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

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

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

Fibre broadband To The Premises

- 58 Prior to the first occupation of the land forming Phase A2, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

Water efficiency

- 59 Each apartment on the land forming Phase A2 shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the apartments will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No apartment shall be occupied unless the notice for that apartment of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 (as amended) has been given to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and increase the sustainability of the development and minimise the use of natural resources pursuant to Core Strategy policies CS1 and CS9 and guidance in the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

Refuse collection

- 60 No ground floor commercial unit or apartment on the land forming Phase A2 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the ground floor refuse store areas.

(b) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the ground floor communal refuse store. The approved details shall be implemented and the stores made available for use prior to the first occupation of any ground floor commercial unit or apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse store arrangements in writing.

Reason: To ensure that the fine detail of the refuse stores is appropriate for both commercial and residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the ground floor communal store for residents relative to the public highway.

LAND FORMING PHASE A3 TO SOUTH OF VICTORIA ROAD (BUILT TO RENT RESIDENTIAL)

Materials

- 61 Prior to installation, written details including source/ manufacturer, and samples of bricks, tiles, feature panels and cladding materials (including jointing of panels) to be used externally shall be submitted to and approved in

writing by the Local Planning Authority and the development of land forming Phase A3 shall be carried out using the approved external materials. The details shall be supplied as appropriate on a materials board.

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

Contamination

62 (A) Prior to the commencement of development on land forming Phase A3, a detailed remediation scheme for that land to ensure that that part of the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority.

(B) The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols. The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

(C) The development within the land forming Phase A3 shall thereafter be carried out in accordance with the approved remediation scheme, unless otherwise agreed in writing by the Local Planning Authority. Following completion of the remediation scheme for the land forming Phase A3 and prior to occupation of any building within that phase, a verification report for the land forming Phase A3 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 off-site receptors.

63 If, during development of land forming Phase A3, contamination not previously identified is found to be present at the site then no further development within the affected plot (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy for the land forming Phase A2 detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: To ensure the protection of controlled waters

Fine details

64 Prior to usage in the building on the land forming Phase A3 above ground level, the details set out below shall be submitted to and approved in writing by the Local Planning Authority and, thereafter, development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

- a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),
- b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills and the extent of projecting elements from the façade),
- c) 1:100 elevation detailing the locations of all expansion joints in facades.
- d) 1:50 scale details of any plant or machinery proposed on the roof and associated screens,
- e) details of any satellite dishes or antenna,
- f) details of rainwater goods, eaves, fascia and entrance canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials),
- g) details of vents, louvres, extractor vents, external pipes, meters (including colour finish) etc.
- h) details of screens and windbreaks,
- i) 1:50 scale details of the parapet capping,
- j) details of external entrance steps, handrails and balustrades
- k) 1:50 details of ground floor level grilles to the help vent the lower ground floor level car park
- l) 1:50 details of planter boxes to apartments
- m) 1:20 details of balustrades to balconies serving apartments and a plan/schedule sufficient to show the proposed changing balustrade colour palette across the development according to locational context.

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

Vehicle and Cycle Parking/Highways/Car Club & Electric Vehicle charging facilities

65 Provision shall be made within the land forming Phase A3 for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

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- 66 The vehicle access details to the land forming Phase A3 shown on the approved plans shall be completed prior to the first occupation of the building hereby approved for residential purposes on that land and the access details shall thereafter be maintained with visibility splays maintained free from any obstructions above 0.6m in height above the adjacent footway level.

Reasons: In the interests of highway safety.

- 67 (i) The area within Phase A3 identified as the riverside parking court shown as Parking Zone B on plan 15.043.038 Rev B (including any subsequent variations) shall be implemented as shown on the approved drawings unless an evidenced-based Transport Note demonstrating that the area is not required is submitted to and approved in writing by the Local Planning Authority. All other parking areas shown on the approved plans serving Phases A2 and A3 shall be implemented, surfaced and drained before any apartments in Phase A2 are first occupied and thereafter shall be retained available and accessible for use and no development whether 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.

(ii) If an evidenced-based Transport Note is approved in writing demonstrating that the riverside parking court is not required in order to serve the car parking requirements of the development, then full details of revised hard and soft landscaping for the area shall be submitted to and approved in writing by the Local Planning Authority pursuant to Condition 74 of this permission.

Reason: (i) Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.(ii) In circumstances where an evidence-based Transport Note is accepted and the riverside parking court is not implemented then an alternative treatment for the space will be required.

- 68 No building on land forming Phase A3 shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be parked. The approved cycle parking facilities shall thereafter be retained available for use by residents of the building.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety and to promote movement choice through the provision of quality secure cycle parking.

- 69 The pedestrian visibility splays shown on the approved drawings in relation to land forming Phase A3 shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained

with no obstruction over 0.6 m above the access footway level.

Reason: In the interests of highway safety.

- 70 Before the first occupation of any apartments on land forming Phase A3 the following works between that land the nearest highway to be adopted by the highways authority shall be completed;-

(a) Footways and/or footpaths, with the exception of the wearing course;

(b) Carriageways with the exception of the wearing course, including the provision of a turning facility sufficient to allow users of the parking facilities serving the development to turn and leave the site in forward gear, together with related:

- i) highway drainage, including off-site works,
- ii) junction visibility splays,
- iii) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 71 Before the first occupation any apartment on land forming Phase A3, a timetable for the construction of the final wearing course of new footpaths and/or footways and carriageways shall have been submitted to and approved by the Local Planning Authority in writing. The final wearing course of such footpaths and/or footways and carriageways shall be constructed in accordance with the timetable as approved by the Local Planning Authority.

Reason: In the interests of highway safety, and the convenience and amenity of occupiers of the development.

- 72 Prior to the first occupation of any apartment on land forming Phase A3, the applicant shall provide written details to the Local Planning Authority of the following;-

(a) measures to help facilitate more sustainable forms of movement for non-town centre journeys, including the provision of a car club facility, and

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

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

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

Use

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

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

Hard and soft landscaping

- 74 No development of land forming Phase A3 shall commence until full details of the hard and soft landscape works – including potential works in place of the riverside parking court if an evidence-based Transport Note is approved in writing pursuant to condition 67(i) - have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall accord with drawings 15.043 021 Rev B and 15.043 003 Rev D, unless otherwise agreed in writing.

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

(b) In the event that the riverside parking court is not implemented pursuant to condition 67(i) then the Beech Tree subject of Tree Preservation Order on the south-western corner of the site shall be retained as part of the soft landscaping scheme for the Phase unless a justification for its removal has been submitted to and approved in writing by the Local Planning Authority.

(c) The full details of the hard landscape works to be submitted to the Local Planning Authority for approval shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate), drawings to scale to show lighting columns and lighting bollards, seating, the location of any public art features, details of balustrades to the communal podium open space and associated steps, details of any other balustrades, details of residents' only security gates to the communal podium

open space including location on the steps to the riverside corridor and any necessary methods of demarcating space as a result of its proposed long term maintenance.

(d) The details of hard landscaping shall also include full details of any walls, lower ground floor car park gates/barriers to ensure secure residents' only access, other gates and fences, fences and any gates to podium level external private spaces serving apartments and fences and gates to riverside apartment external private spaces (including height, width and depth, materials, final finish colour) to be erected.

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

(f) If any trees and/or plants on land forming Phase A3 whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area. To ensure that any planting is appropriate and carried out in a manner that will ensure maturation to the visual benefit of the urban environment and to ensure hard surfacing and boundary treatments are appropriate to the context of the site and are of acceptable design quality.

Environmental protection & CHP

- 75 Any facilities used for the storage of oils, fuels or chemicals on the land forming Phase A3 shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the water environment.

- 76 No Combined Heat and Power (CHP) plant shall be installed within the approved building on the land forming Phase A3 until full details of said plant have been submitted to, and been approved by, the Local Planning Authority in writing. Such details shall include noise levels during operation, measures to be taken to limit increases in nitrogen dioxide levels locally as a result of operation and details of the proposed fuel and the frequency, nature and duration of any deliveries of fuel. Thereafter, CHP shall only be installed and operated in accordance with such approvals.

Reason: No details of possible CHP installation have been submitted for approval. Details are required in order to ensure that any environmental

impacts are appropriately mitigated.

Acoustic design measures for apartments

77 (A) No development of land forming Phase A3 shall commence until a scheme of noise mitigation measures to be installed in the apartments (taking forward the recommendations in the applicant's acoustic report, energy strategy report and ventilation strategy necessary to achieve BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' or any successor standard) has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

(B) No development of land forming Phase A3 shall commence until a scheme for protecting balconies and terraces from noise exceeding 50dB LAeq. 16 hour through the use of including imperforate balustrade screens and Class A absorption to balcony undersides /soffits has been submitted to, and approved by, the Local Planning Authority in writing. Thereafter, the development shall only be carried out in accordance with such approved measures which shall be permanently retained unless the Local Planning Authority has agreed in writing to any variation.

Reason: To ensure satisfactory living conditions for residents given the context of the site and the nature of proposed commercial uses on nearby and adjacent land which may affect the necessary measures for either all or specific apartments.

Sustainable drainage (including green and blue roofs to buildings)

78 No development of land forming Phase A3 shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the land's surface water have been submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on the land or within the immediate area in a way which is appropriate to the land's location, topography, hydrogeology and hydrology and incorporate green / blue roofs as appropriate.

The submitted system shall be designed to

- (i) avoid any increase in flood risk,
- (ii) avoid any adverse impact on water quality,
- (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010,
- (iv) promote biodiversity,
- (v) enhance the landscape,
- (vi) improve public amenities,

- (vii) return the water to the natural drainage system as near to the source as possible and
- (viii) operate both during construction of the development and post-completion.

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

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

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

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

Code of construction practice

- 79 Prior to the commencement of the development on land forming Phase A3, a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Full details of the provision of off-road parking for all site operatives
- Full details of measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials

- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works, , including a programme for community consultation/communication setting out how the developers intend to liaise with and keep members of the public informed about the development for the duration of the construction period.

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

- 80 In relation to the land forming Phase A3, 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.

- 81 No construction activities shall take place until a dust management plan for the construction phase (in full compliance with the recommendations of the applicant's Air Quality Report ref: AQA-19852-16-95) has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the measures set out in the dust management plan shall be implemented in full for the subsequent full duration of construction works unless any variation has been agreed in writing by the Local Planning Authority.

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

Archaeology

- 82 Prior to the commencement of development of land forming Phase A3 the applicant, or their agents or successors in title, will secure and implement;-

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

Ecological Works & Management Strategy

83 (A) Prior to commencement of development on the land forming Phase A3, an Ecological Works & Management Strategy (EWMS) shall have been submitted to and approved in writing by the Local Planning Authority. The content of the EWMS shall include;-

(i) details of any required on-site or off-site habitat works and measures to mitigate the impact of the development on invertebrates (including species of tree and shrub planting and creation of features such as loggeries) and any other ecological mitigation /enhancement measures to be implemented as part of the development, and how such works and measures are proposed to be managed in the long-term.

(ii) if any reptiles are proposed to be translocated from the application site, an off-site reptile mitigation strategy, including details of the proposed receptor site, a survey of that the receptor site demonstrating that the reptile population arising from translocation can be satisfactorily maintained, details of any enhancement works required to enhance the receptor site, confirmation that the receptor site will be actively managed and monitored to ensure the long term success of the translocation and a translocation methodology.

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

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

(B) Thereafter, the approved EWMS (including any agreed revisions) shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

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

Riverside Corridor Landscaping, Lighting & Management Plan

84 (A) Prior to commencement of development on land forming Phase A3, a Riverside Corridor Landscaping, Lighting & Management Plan (RCLLMP) shall have been submitted to and approved in writing by the Local Planning Authority. The RCLLMP shall include;-

(i) the area forming the RCLLMP shown on a plan drawn to scale,
(ii) a statement identifying how hard and soft landscaping detail within that area is intended to balance the objectives of public access to and recreational use of the riverside corridor with the need to protect and enhance the adjacent/nearby Great Stour Ashford to Fordwich Local Wildlife Site,

- (iii) details of all proposed soft landscaping (including details of tree, shrub, hedge and other planting) within that area,
- (iv) details of all proposed hard landscaping within that area,
- (v) details of how lighting in the area will either be minimised or negated in order to increase bat foraging opportunities in the riverside corridor,
- (vi) a timescale for the implementation of the identified soft and hard landscaping and lighting details, and
- (vii) details of the long term maintenance and management arrangements for the area covered by the RCLLMP.

(B) Thereafter, the approved RCLLMP shall be carried out in accordance with the details in (A) above unless the Local Planning Authority has agreed to any other variation in writing.

Reason: In order to ensure that the river corridor landscaping scheme protects and enhances the adjacent Local Wildlife Site (and the species it supports) balanced against a design that also allows public access to and enjoyment of the proposed additions to the river corridor space and to ensure that appropriate arrangements are put in place for long term maintenance and management.

Fibre broadband To The Premises

- 85 Prior to the first occupation of the land forming Phase A3, details including plans, shall have been submitted to and approved by the Local Planning Authority in writing for the installation of a High Speed wholly Fibre broadband To The Premises (FTTP) connection to the development hereby approved. Thereafter, the infrastructure shall be laid out in accordance with the approved details at the same time as other services during the construction process and be available for use on the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority (where supported by evidence detailing reasonable endeavours to secure the provision of FTTP and alternative provisions that been made in the absence of FTTP).

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

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

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

the NPPF and in order to continue with the same level of water efficiency as would have been achieved under the Code for Sustainable Homes standard referred to in Core Strategy policy CS10(A).

Refuse collection

87 No apartment on the land forming Phase A3 shall be occupied until the following details have been submitted to, and approved in writing by, the Local Planning Authority;-

(a) Details of secure access doors, ventilation, internal amenity lighting, wash-down facilities and measures to keep doors in a fixed open position at collection time in relation to the lower ground floor internal refuse store areas.

(b) 1:20 details of the surface level refuse store facilities shown on Drawing No. 15.043.036 including proposed detailing to deal with changes to levels along the frontage to the stores

(c) Details of the proposed arrangements to be put in place in relation to the collection of residents' waste from the lower ground floor internal refuse stores and the external surface level communal refuse store.

The approved details shall be implemented and the stores made available for use prior to the first occupation of any apartment. The stores shall thereafter be permanently retained available for use unless the Local Planning Authority has agreed to any variation to refuse store arrangements in writing.

Reason: To ensure that the fine detail of the refuse stores is appropriate for residential occupiers and to ensure that satisfactory arrangements are put in place for the collection of waste generated by residents given the location of the stores serving the apartments related to the public highway.

Occupation related to improvements to the local highway network

88 Unless the Local Planning Authority agree otherwise in writing, no more than 50 apartments shall be occupied on the land forming Phase A3 until improvements to the nearby Beaver Road/Victoria Way and Elwick Road/Station Road junctions as set out on Drawing 4300472/0100/01 P01.1 forming part of planning permission 15/01671/AS (or an alternative scheme to substantially the same effect) have been carried out and are open to traffic.

Reason: To ensure that there is sufficient capacity available within the highway network to accommodate the movements associated with the proposed homes.

Adaptation of ground floor units to meet wheelchair user requirements

89 Prior to the laying of foundations to the building approved to be constructed on the land forming Phase A3, a plan to show the location of five ground floor apartments available for adaptation to meet wheelchair user requirements shall be submitted to, and approved by, the Local Planning Authority in writing

and thereafter the development shall only proceed in accordance with such details unless the Local Planning Authority has agreed to any variation in writing.

Reason: To order to promote inclusion and community cohesion by catering for differing needs.

Green wall/screen to Beaver Road petrol filling station

90 Prior to first occupation of any apartment on land forming Phase A3;-

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

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

(iii) a timetable for the green wall/screen construction within the application Site shall have been submitted to and been approved in writing by the Local Planning Authority. Thereafter, the green wall/screen shall be installed in accordance with the approved details and to the agreed timetable unless any variation has been subsequently agreed in writing by the Local Planning Authority.

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

Notes to Applicant

1. Working with the Applicant

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

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

In this instance

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

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

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

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

The developer must comply with the requirements of HS1 and Network Rail by entering into Basic Asset Protection Agreement.

4. In respect of the brewery, the Local Planning Authority encourages the applicant to consider mood lighting of the building interior around the

fermentation vessels in order that the scale of the vessels can be appreciated at night via the strongly glazed façade to Victoria Road thus helping create a vibrant night time street scene at an important street junction. Appropriate external mood lighting to external storage vessels located to the west of the brewery building is also encouraged. The Local Planning Authority would wish to see the proposed soft and hard landscaping design of the entrance to the brewery shop/bar/restaurant incorporate appropriate acknowledgements of the site's past including previous uses.

5. In respect of the brewery odour and waste management conditions, the applicant is invited to meet Officers of the Local Planning Authority and the Borough Council's Environmental Protection Officer at an early stage to ensure that all aspects of the proposed brewery operation that might give rise to odour issues are refined with minimum best practice adopted (and preferably exceeded) so as to ensure the creation of a modern brewery that proceeds from the outset as a good neighbour to town centre uses.
 6. The hard and soft landscaping to the north of Phase A2 is expected to be the subject of adoption by the local highway authority as the currently missing element component of the upgraded street utilising quality materials to match existing paving and comprising the provision of street trees and pedestrian footway/cycleway.
 7. The applicant should note that an Ashford Borough Council refuse freighter would not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed. The applicant is invited to discuss such issues further with the Council.
 8. In respect of SUDs design, Ashford Borough Council encourages the applicant to explore the feasibility of a controlled outfall of surface water to the River Stour south of the site with Kent County Council (as the Leading Flooding Authority), the Borough Council and the Environment Agency.
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Application Number	18/00104/AS	
Location	Repton Connect Community Centre, Repton Avenue, Ashford, Kent, TN23 3RX	
Grid Reference	99665/43614	
Ward	Godinton (Ashford)	
Application Description	Placement of 1 No. internally illuminated sign, 9 No. non-illuminated signs and 1 No. window vinyl	
Applicant	Mr Chris Kimmance, Chair, Repton Community Trust	
Agent	Mr Mark Woolmer	
Site Area	0.87ha	
(a) 34/-	(b) -	(c) KHS -

The Strategic Applications Team Leader drew Members' attention to the Update Report and the representation from Kent Highways and Transportation.

Resolved:

Grant consent

Subject to the following Conditions and Note:

1. a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- b) No advertisement shall be sited or displayed so as to:-
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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- c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 - d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 - e) Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
2. The maximum luminance from sign A shall not exceed 400cd/m.
Reason: In the interests of highway safety and convenience.
 3. The advertisement shall not be illuminated except during the hours that the premises to which it relates are open to the community.
Reason: In the interests of visual amenity and road safety.
 4. The illumination of sign A shall be static and of a non- flashing type.
Reason: In the interests of visual amenity and road safety.
 5. 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.

Note to Applicant

1. Working with the Applicant

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

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

processing of their application

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Application Number	17/01454/AS
Location	Little Goldwell Oast, Goldwell Lane, Great Chart, Ashford, Kent, TN26 1JS
Grid Reference	96780/41916
Parish Council	Great Chart with Singleton
Ward	Great Chart with Singleton North
Application Description	Insertion of new windows and doors to south east elevation
Applicant	Mr Charles Dehnel, Little Goldwell Oast, Goldwell Lane, Great Chart, Ashford, Kent, TN26 1JS
Agent	-
Site Area	0.14ha

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- 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 acceptable as submitted and no further assistance was required.
 - 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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Queries concerning these Minutes? Please contact Rosie Reid: Telephone:
01233 330565 Email: rosie.reid@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees