

## Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **20th March 2019**.

### Present:

Cllr. Burgess (Chairman);

Cllr Link (Vice-Chairman);

Cllrs. Bennett, Bradford, Clarkson (ex officio), Clokie, Dehnel, Feacey, Galpin, Heyes, Hicks, Krause, Ovenden, Waters, White.

In accordance with Procedure Rule 1.2 (iii) Councillors Feacey and White attended as Substitute Members for Councillors Buchanan and Wedgbury respectively.

### Apologies:

Cllrs. Buchanan, Chilton, Wedgbury.

### Also Present:

Cllrs. Mrs Dyer, Farrell, Iliffe.

Joint Development Control Manager; Head of Development Management and Strategic Sites; Director of Place and Space, Head of Planning and Development, Head of Culture, Principal Urban Designer, Senior Planning Officer, National Management Trainee, Tree Officer, Local Transport and Development Planner (Kent County Council Highways and Transportation); Principal Solicitor (Strategic Development); Member Services Officer.

## 399 Declarations of Interest

Councillor	Interest	Minute No.
Bennett	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	402 – 18/00759/AS
Burgess	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	402 – 18/00759/AS
Clarkson	Made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.	402 – 18/00759/AS
Clokie	Made a Voluntary Announcement as he was a Member of the Weald of Kent	402 – 18/00759/AS

<b>Councillor</b>	<b>Interest</b>	<b>Minute No.</b>
	Protection Society.	
Farrell	Made a Voluntary Announcement as he was a Member of Kent County Council, who were the applicant for one of the applications on the agenda. He would leave the Chamber for the discussion and vote, and he did so.	402 - 18/01601/AS
Feacey	Declared an Other Significant Interest as he was the Chairman of Ashford Volunteer Centre. He would make a statement and leave the Chamber for the discussion and vote, and he did so.	402 – 18/01256/AS
Hicks	Made a Voluntary Announcement as she was a Member of the Campaign to Protect Rural England.	
Ovenden	Declared an Other Significant Interest as the Order site was adjacent to land within his ownership. He would leave the Chamber for the discussion and vote, and he did so.	401

## **400 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of this Committee held on the 20<sup>th</sup> February 2019 be approved and confirmed as a correct record.**

## **401 Confirmation of Tree Preservation Order No. 16, 2018**

The Tree Officer advised of the correction to the title of the Order to read 2018 not 2019.

In accordance with Procedure Rule 9.3 Mr Hams, a land owner, spoke in objection to the Tree Preservation Order (TPO). He advised that the land was classified as ancient woodland and the general procedure for dealing with such land was to continue coppicing once it had been commenced. Prior to his ownership the land had been left without the proper care and attention that it required. He had consulted and sought advice from a Silviculturist and Kent Wildlife Trust upon purchase. Further to that he had been granted a five year felling licence as part of a ten year conservation project. Now three years into the coppicing, much valued flora and fauna had returned and a single protected dormouse had been found on the site. A canopy of invasive birch was to be tackled. The scheduled coppicing for 2019 had been due to commence in January, however due to the 'bombshell' of the

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TPO no work had been able to be carried out on site, not even the removal of fallen trees. He felt that the TPO was counterproductive, he had a working knowledge of woodland and was qualified in arboriculture. The imposition of the TPO would have disastrous consequences on the land and he urged the Committee to not confirm the order.

**Resolved:**

**That the Order is confirmed notwithstanding the objection, subject to modifications as follows:**

**Modified boundary as shown in Annex 1–c to the report.**

## **402 Schedule of Applications**

**Resolved:**

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

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

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

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

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<b>Application Number</b>	18/01140/AS
<b>Location</b>	Land fronting Canterbury Road at Ashford Hockey Club and land to the north of Ball Lane, Kennington, Kent
<b>Grid Reference</b>	02823/455078
<b>Ward</b>	Kennington
<b>Application Description</b>	Outline application for the erection of 9 dwellings with access from Canterbury Road (with all other matters reserved), and change of use of land from agriculture to provide two football pitches on land at Ball Lane.
<b>Applicant</b>	Ashford Hockey Club
<b>Agent</b>	Mr S Davies, Hobbs Parker, Romney House, Monument Way, Orbital Park, Ashford, TN24 0HB
<b>Site Area</b>	2.98ha

The Senior Planning Officer drew attention to the Update Report. 30 additional letters of support and 1 letter of objection had been received, none of which raised any new issues to those contained within the report.

In accordance with Procedure Rule 9.3 Mr Street, a local resident, spoke in objection to the application. He advised the Committee that he was a local resident with members of his family being involved in the Hockey Club. He noted the turn out of the Hockey Club, but also that he could not see members of the Football Teams who would be required to move their pitches to play in a floodzone. In January the Committee overwhelmingly rejected proposals to approve the plans, and following that deferral residents could see nothing in notes from Officers to indicate that the concerns of safety and pitch quality, of the football replacement pitches, had been addressed. The pitches were to remain in Floodzone 3, the highest level of risk. The residents of Kennington were calling on the Committee to reject the application as in his opinion it violated a number of material planning considerations, in particular National Planning Policy Framework Paragraph 97, which stated that existing sports facilities should not be built upon. In order to 'get round' this stipulation the application hinged on being enabling development, a development that would otherwise not be permitted as it was deemed to be harmful. In this case the applicant was looking to make repairs to its pitches. As a matter of public policy development should not provide an 'easy way' for quick cash when there were many other ways to raise finances. Funding was key to the application, in his view if it were to be decided on planning considerations alone it would be a simple no. Since

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the deferral there had been no sight of any documentary evidence of what the hockey club has done over the years to raise funds, a key request from the Committee. The NPPF Paragraph 97 also stated that sports facilities should not be built upon unless the land is being replaced by the equivalent or better in terms of quality and suitable location. The replacement pitches did not meet the quality and suitability requirements, they were within a floodzone and 400 metres from the club house and changing facilities. Sport England had not voiced its support for the application. Officers had failed to mention that the thirty year lease had a 12 month break clause, so the pitches were only secure for one year however the nine houses would be there for perpetuity. If the application were approved then a dangerous precedent would be set and any private concern would look to use enabling development as a quick way to fund their wish list by building houses in breach of normal planning rules. He asked the Committee to note that of the other clubs in Kennington a group had raised over £270,000 for a new scout hut, the Boughton Aluph Cricket Club were raising £300,000 for their new clubhouse; which they were planning to fund through a series of fundraising drives. It took focus, hard work and determination to raise funds not building houses. He felt that the application should be refused as it failed to satisfy the ground rules for enabling development, failed to meet NPPF Paragraph 97 and did not satisfy Sport England's criteria for loss of playing fields and replacement pitches for equivalent or better quality. With already 1200 homes planned for the area it served no local need and had no bearing on five year land supply. In conclusion he felt that residents of Kennington should not pay such a heavy price for a private clubs poor financial management.

In accordance with Procedure Rule 9.3 Mrs Laurie, representing the applicant, spoke in support of the application. She advised that she had been a member of Ashford Hockey Club for over 20 years, she introduced her husband to the club and their two children and they played regularly. Additionally she was the coach for the junior section and come rain or shine they were out enjoying their sport. She was keen to stress the importance of the planning application for the club, the AstroTurf would have holes in it within the coming two years and despite fundraising, grants and increasing membership fees the club could simply not afford to replace the playing surface. If the pitch failed then the club itself may fail, which would mean 150 adults, 240 boys and girls would no longer be able to play hockey in Ashford every week. A further 450 children may lose one of the best junior football facilities in the County. This project would also provide funding to build some female changing rooms, as at the current time there was nowhere for women and girls to shower or change. She wanted to give the Committee some assurances that this application was not a 'trojan horse', the project would provide money to replace the pitch now and again in twelve to fifteen years, additionally by eliminating the mortgage payments the club would be profitable and allow the creation of a 'sinking fund'. There were no plans to build further houses at Ball Lane, and in any event, any further houses would require a new planning application. This was a fabulous opportunity to secure the future of hockey and junior football at Ball Lane for many decades to come. As the town grew the club wished to grow along with it and to come close to the quality enjoyed in other Kent towns. She asked the Committee to support Ashford Hockey Club and the application before them. The fun, family friendly atmosphere was the envy of

many clubs around Kent but the support of the Committee was needed for its future. Officers had reported in detail on all aspects of the planning application, there were no planning policy objections to either the houses or the new football pitches, nor were there any safety grounds that questioned the suitability of the proposals to provide significantly improved sporting facilities. Officers had given a solid recommendation for approval. She requested that the Committee supported the proposal to ensure that all the boys and girls present at the meeting had a bright and exciting future ahead at Ashford Hockey Club.

In accordance with Procedure Rule 9.3 Mr Cooper from the Kennington Shadow Community Council spoke in objection to the application. He advised the Committee that the Hockey Club was an important sports facility for Kennington and Ashford alike. It was a valued asset for hockey players, young footballers, and their families. However, the Shadow Community Council strongly objected to the application on the grounds of danger, namely; the danger to traffic on the A28, to young footballers and to the preservation of this important sports facility in its current, well-established and well-suited position. The Ball Lane junction was closed some years ago as it was dangerous. With Ashford's growth the A28 traffic levels had increased substantially. This application would create a new highly dangerous entrance on the A28, even closer to the blind bend and was unacceptable on those grounds alone. The statement said that junior football pitches would become available on the opposite side of Ball Lane. A traffic survey had been conducted to the east of the entrance, a road on which there was one house. All traffic reaching the Club came from the west and therefore they were of the opinion that a meaningful traffic survey should have been taken to the west on a match day. If children were to cross to the east of the entrance there was no pavement on the opposite side of Ball Lane. The young footballers would change in the Hockey Club facilities, then walk across the large and busy Hockey Club car park. They would then pass through the entrance shared with cars, cross the road and walk along an unpaved stretch, down which will be arriving hockey players and late-coming football families. Other cars may be leaving through the gate if a hockey game had just finished. Players would then cross an unfenced stream to the playing field. The phrase 'accident waiting to happen' applied quite literally in this scenario. The latest report stated that the new pitches would be reserved for Under 14s and older. These were the very children whose parents typically dropped them off for a match, whereas younger players would generally be supervised by their parents. If the Committee were to approve the application for ribbon development along the A28, the Shadow Community Council considered that it would open up a real danger to the future of this open space in its current form. He questioned why the Hockey Club was not leasing new pitches on the adjacent area, which was well drained and well-kept and had a pavilion. It was assumed that it was earmarked, by someone, for development. Approving the current application would send a clear signal that all open spaces in Kennington were 'up for grabs' for housing. Indeed, the Council was being asked to adopt a policy that said 'if you want to preserve sports facilities build on them'. The Shadow Community Council was sympathetic to the need to fund sports facilities. The rebuilding of Spearpoint Pavilion in Kennington showed that it could be achieved without resorting to seeking windfall profits through ribbon development and the

sacrifice of perfectly good sports fields. Officers indicated that advice was taken by the Hockey Club on fundraising several years ago. In the interim, the Shadow Community Council considered that the scheme should be rejected or at best deferred.

The Ward Member attended and spoke on the application, raising concerns about whether the lease arrangements could lead to loss of the replacement pitches, whether those pitches would be flooded/waterlogged in winter, whether progress had been made on identifying alternative funding for the hockey club, whether the new access onto Canterbury Road would be safe, and whether the planned layout of three internal culs-de-sac would open up the hockey and cricket grounds for development.

During the ensuing debate, Members raised additional concerns about whether the club's business plan was up to date, whether Policy HOU5 of the Ashford Local Plan 2030 applied to Kennington, and if it did whether this site complied with criterion (b), whether the replacement pitches were "equivalent or better provision" in the terms of the NPPF, and whether the access to the club could move to Canterbury Road instead of Ball Lane.

**Resolved:**

**Deferred for Officers to consider the comments of the Committee, look at the proposal again and seek to assuage the concerns raised.**

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<b>Application Number</b>	18/01771/AS
<b>Location</b>	Smarden Charter Hall, Chessenden Lane, Smarden Ashford, Kent, TN27 8NF
<b>Grid Reference</b>	88553/42436
<b>Parish Council</b>	Smarden
<b>Ward</b>	Weald North
<b>Application Description</b>	Erection of a single storey store/shop (Class A1) with associated ancillary parking spaces together with a revised parking layout to Charter Hall.
<b>Applicant</b>	Mr J Arnstein, Smarden Store Limited, The Pent House, The Street, Smarden, Ashford, TN27 8QT
<b>Agent</b>	Mr S Hoyle, InspiredSPACE Architects, Coronation Villa, Bethersden Road, Smarden, TN27 8QT

**Site Area**

- (a) 15 / 25 R, 82 S      (b) Parish Council S      (c) KH&T X, KCC (Heritage) -  
?, PO X, KCC PROW X,  
EMS (Refuse) -, EMS X

The Joint Development Control Manager drew attention to the Update Report. Comments had been received from the Street Scene and Open Space Officer and four additional letters of representation had been received and an amendment to a condition was proposed.

In accordance with Procedure Rule 9.3 Ms Fitzsimons, a local resident, spoke in support of the application. She had lived in Smarden for 16 years. Smarden residents had enjoyed the services provided by a shop and post office for over 100 years. Smarden was isolated with poor transport links, this made such provision a lifeline for many of the less able parishioners and those without access to a car. Local support for this project had been overwhelming right from the start. It was this passion for the historic village that prompted her to become part of the action group, set up to consult with parishioners to if it was really what the community wanted. A community benefit society had been set up to be run by the villagers, for the villagers, delivering the future of our village store. From when the first plans were developed consultation events had been held to encourage locals to share their views. They had used a leaflet drop, to all properties in the parish, face to face meetings, email, their own Facebook page and other local media sites. More than 300 villagers had attended various consultation events that had been held, providing an opportunity to talk to them face to face, for example they attended the school fete. Face to face conversations had also been had with those living closer to the proposed shop site. Many of the ideas heard have been incorporated into the plans for example, working with the Charter Hall Trustees to improve hedgerow screening and the removal of plans for an illuminated shop sign. They would continue to work with and listen to all of their neighbours. They would soon be launching a share scheme where everyone over the age of 16 would be eligible to be a shareholder for just £25 per share. Owning even one share would give equal voting rights and a voice in how the store developed and was run in the future. Incorporating a small coffee corner in the shop plans was something that came from the consultations. Villagers wanted somewhere that they could meet and socialise informally, and having this facility within the shop would also help to reduce the social isolation and loneliness of some elderly and less able members. She felt it would be lovely to be able to have a hot drink with fellow dog walkers, shoppers, mums on the school run. Parishioners had already pledged £70,000 to support the shop build. This was a huge show of support from the amazing Smarden residents, and she thanked them. This was a small, purpose built shop of single storey design, covering 82 sqm and to be built in the same style and vernacular as the existing village homes whilst complementing the Charter Hall, on whose land it will be sited. The new shop will be at the other end of the high street from the current post office but it mustn't be forgotten that the Charter Hall already hosted most of the daily clubs and activities and plans were already agreed to build 50 new homes immediately behind where the new shop would be.

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In accordance with Procedure Rule 9.3 Ms Craig, from Smarden Parish Council spoke in support of the application. In March of 2017 the current Postmistress informed the Parish Council that she wished to close the shop and Post Office by the end of December 2018. The Parish Council was committed to the continuation of Post Office services in Smarden. In order to ascertain the needs of the village they undertook a survey that was delivered to every household in the Parish (556). 184 surveys were returned (33.1%) which they understood to be a good return for that type of survey. 178 respondents stated that they would use Post Office services including banking and 170 stated that they would use a village shop. The Parish Council has therefore worked tirelessly to find a replacement shop and Post Office for the village. This had not been made easy by Post Office Limited, the current regulations stipulated that the current Community Post Office would have to become a Local Post Office. This would need to be incorporated into a vibrant business as there was no salary provided by Post Office Limited for a Local Post Office. In a small village such as Smarden, there are few businesses able to do this. The Chequers Inn did consider it, however this was not supported by the village. The only option therefore was to establish a new business and establish a shop and Post Office on land owned by the Parish. Two pieces of land were considered; the land in question and 'The Minnis' which was discounted as it was land purchased by the village for sport and recreational purposes and it was dedicated to 'Fields in Trust' in 2013. These pieces of land were put to a vote at a public meeting with a show of 93 hands in support of the Charter Hall site and 55 for 'The Minnis'. The Charter Hall site also had the benefit of being next to the new houses shortly to be built in the village. The Charter Hall Trustees own the overflow section of the car park and are very happy for the shop to be built there. A lease agreement with 'Smarden Community Shop' was now ready to be signed and will take effect from 1<sup>st</sup> April 2019. The current Postmistress has extended her contract with Post Office Limited twice in order to help the village, but the shop was due to close at the end of June 2019. In conclusion, she advised that the village of Smarden had worked hard to retain a shop and Post Office which had been shown to be needed by parishioners, particularly the elderly and those not able to drive. A Steering Group had been established, comprising members of the Parish Council and Charter Hall Trustees. 151 people in the village had pledged over £70,000 towards the building and over 50 people had volunteered to work in the shop. Smarden Parish Council therefore fully supported this planning application.

The Ward Member attended and spoke in support of the application.

**Resolved:**

**Permit**

**Subject to the following Conditions and Notes:(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

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

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

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

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

3. Prior to the first use of the building details shall be submitted to and approved in writing by the Local Planning Authority of the proposed means of any boundary treatment including details of any proposed bollards. The boundary treatment shall be provided in accordance with the approved details and shall thereafter be maintained.

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

4. A landscaping scheme for the site (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the building . Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Schedule 2 Part 7 Classes A - E of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

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6. The building shall only be used for the sale of convenience goods and as a post office with an ancillary café facility. The building shall not be used for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or whether or not permitted by virtue of the provisions within the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

**Reason:** In order that any other proposal for the use of the site is the subject of a separate application to be determined on its merits, having regard to the interests of the amenity of the area.

7. No development shall commence until plans and particulars of a sustainable drainage system for the disposal of the site's surface water, designed in accordance with the principles of sustainable drainage and the Ashford Borough Council Sustainable Drainage SPD has been submitted to and approved in writing by the Local Planning Authority.

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

**Reason:** In order to 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 Sustainable Drainage.

8. The building shall not be used until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

9. Prior to the installation of any plant (including ventilation, refrigeration, air conditioning and air handling units), to be used in pursuance of this permission a scheme for the control of noise and vibration of any such plant shall be submitted to and approved in writing by the Local Planning Authority. This shall then be installed in accordance with the approved details and the equipment shall be maintained and operated in compliance with the approved scheme whenever it is operation. After installation of the approved plant, no

new plant, ducting system or associated equipment shall be used without the prior written consent of the Local Planning Authority

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity.

10. The premises shall not be open to the public other than between the hours of 07:00 – 19:30 Monday to Friday 08:00 – 17:00 Saturday and 09:00 – 13:00 on Sunday, Bank and Public Holidays.

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

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

**Reason:** In the interests of amenity of adjoining residents.

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

- Details of areas for the parking, loading and unloading of plant and materials, and provision on-site for turning for personnel, delivery and construction vehicles including HGV's;
- Details of areas for the storage of plant and materials;
- Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

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

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

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

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

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14. The vehicle parking spaces, space for vehicle loading/unloading and turning facilities shall be provided in accordance with details approved on drawing number 1010 revision P4 before the use is commenced, and shall be retained for the use of the occupiers of, and visitors to, the development. 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 the reserved parking, vehicle loading/unloading and turning facilities.

**Reason:** To ensure adequate provision for vehicle parking, storage for bicycles and refuse in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

15. Prior to the first use of the building details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to the first use of the premises and shall thereafter be retained.

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

16. Prior to the first use of the building a detailed design for the provision of waiting restrictions (double yellow lines) on both sides of the entrance to Chessenden Lane, extending from the Pluckely Road and including the corner of the junction with The Street to the entrance of the car park, to be designed in consultation with Kent County Council Highways and Transportation, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed waiting restrictions have been provided in accordance with the approved details. The waiting restrictions shall be retained and maintained thereafter.

**Reason:** To ensure parked cars do not cause an obstruction to vehicles entering or exiting the car park in the interests of Highway and pedestrian safety.

17. Prior to the first use of the building a detailed design for the provision of the widened access onto Chessenden Lane, to be designed in consultation with Kent County Council Highways and Transportation, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed access has been provided in accordance with the approved details.

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

18. Prior to premises opening for business the following works between the premises and the adopted highway shall be completed.
- The provision of footways and/or footpaths, with the exception of the wearing course;

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

19. Prior to the first use of the building a detailed scheme to prevent obstruction of the Public Right of Way, to be designed in consultation with Kent County Council Public Rights of Way and Access Service, shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be used until the agreed scheme has been provided in accordance with the approved details. The agreed scheme shall be retained and maintained thereafter.

**Reason:** In order to ensure that the public right of way remains permanently accessible and free from obstruction.

20. The storage facilities for refuse shall be provided, in accordance with the approved details before the first use of the premises, and shall be retained and maintained available for use by the premises thereafter.

**Reason:** To ensure the permanent retention of secure storage for refuse in the interest of visual amenity.

21. Prior to their installation, details of the appearance, projection and method for affixing the proposed solar panels to the roof shall be submitted and approved in writing by the Local Planning Authority. The panels shall be installed in accordance with the approved details. The panels together with all associated supporting framework and fittings, shall be removed and the buildings restored to its former condition after their use has ceased.

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

22. 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.

23. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure

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from the plans hereby approved and the specific terms of this permission/consent/approval).

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

### Notes to Applicant

#### 1. Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and 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 application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

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3. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
  4. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

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

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<b>Application Number</b>	18/01168/AS
<b>Location</b>	Kent Wool Growers Ltd, Brundrett House, Tannery Lane, Ashford, Kent, TN23 1PN
<b>Grid Reference</b>	01316/42484
<b>Ward</b>	Victoria (Ashford)
<b>Application Description</b>	Demolition of existing buildings (except Whist House) and redevelopment to provide a total of 244 residential units including four apartment buildings and works associated with the restoration of Whist House to provide a 4-bed dwelling. All together with associated areas of new public realm, hard and soft landscaping, parking, plant and storage and access works.

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<b>Applicant</b>	U+I (Ashford) Limited c/o Agent	
<b>Agent</b>	Lichfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL	
<b>Site Area</b>	1.19 hectares	
(a) 31/2R	(b) -	(c) EA/X, KCCH&T/X, KCC-IED/X, ABC-EH/X, HE/X, KCC F&WM – X, NE X, HE – X, KCC Ecology – X, CS – X, Housng – X, AAG - R

The Principal Urban Designer drew Members' attention to the Update Report. The closing date for comments from consultees on the amended plans was 20<sup>th</sup> March, he gave an update on those received, which were also detailed within the Update Report.

In accordance with Procedure Rule 9.3 Mr Holloway, the architect, spoke in support of the application and the following item on the agenda. During his speech to the Committee, he used a number of boards with drawings and impressions of the proposal on them. He advised that the application had been deferred due to a number of concerns. They had looked to improve the scheme and had worked closely with Officers to achieve that. He highlighted the concerns that the Committee had had, including the 'blank' façade of one of the buildings and whether the architecture could be enhanced. They looked at these points and curved one of the buildings round so that it addressed the river frontage and removed part of one of the buildings entirely. They also enhanced the tops of the buildings as they would be the most visual part of the building and the most seen element of the building. A storey had been removed from one of the buildings and the tops inset to reduce the impact of the building. Another point that had been raised by the Committee was a reduction of the number of units overall, but what they had done was to increase the parking in addition to this. The quality of the landscape was important and by making these changes they were keen to ensure that this was not impacted. The overall proposed scheme was now 243 units and the parking provision had been increased to 0.8 spaces overall, which was a significant increase. The landscape was important as was the setting of Whist House and would be a public space. He drew attention to the intention to install a bridge designed by Alex Chinnock, a local artist who was also known internationally. The bridge would be spectacular and would be a destination in itself. The overall scheme was part of a jigsaw for the whole Commercial Quarter. The Commercial Quarter and Ashford's Town Centre was fundamental, Ashford was changing and it was exciting, for him personally as an architect. Connect 38 had opened, International House had been purchased by the Council and was 90% full. There were 1500 jobs in Ashford at the moment and they were working with Officers to look at the whole of the Commercial Quarter. This part of the site was allocated for residential and he felt that the whole area would be more vibrant for having some high quality residential units so close to the station and in turn putting economically active people in the heart of the town. He felt that this scheme would encourage those people to come to the town to enjoy it, work in the

area and be in the centre of it all. Using the image boards he drew attention back to the curved frontage of the river front building and highlighting the glass frontage and balconies. The brief for Alex Chinnock was 'hidden rivers' and his design would enhance the river and making it a feature within the landscape and public space. Drawing attention to Whist House, the application was for a dwelling, however an application was being worked on and had been submitted for a destination restaurant, he highlighted 'Rocksalt' in Folkestone that he had worked on and the change that had brought. He hoped that by bringing a destination restaurant to Ashford, next to the river it would bring a huge benefit to the area. In conclusion, the Avenue through the scheme was important, it would link to the planned multi-storey car park behind the bowling alley to the station and was key to the Commercial Quarter and the creation of a vibrant street. They had listened, changed the scheme by decreasing the number of units, increasing parking and changed the architecture. This would deliver enhancement and breathe life back into a heritage asset that was Whist House. He hoped that the Committee would support the recommendation and approve the application.

One of the Ward Members attended and raised some concerns about the scheme.

**Resolved:**

- (A) Subject to the expiry of the consultation on the amended plans and, in the opinion of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, no further issues of significance being raised or, if any such are raised, their resolution to the satisfaction of the Head of Development Management and Strategic Sites or the Joint Development Control Managers, and**
- (B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1, in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

Table 1	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)

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1	<p><b><u>Sustainable Travel</u></b></p> <p>The choice of a £100 cycle voucher towards a new bicycle from a local cycle shop or a 3 month free bus pass on the Stagecoach East Kent network.</p>	£100 cycle voucher/bus travel voucher per dwelling	Provide to occupier on Occupation of each dwelling
2	<p><b><u>Children's and Young People's Play Space</u></b></p> <p>Project: off-site contribution to enhance play facilities at the Stour Centre.</p>	£112, 500 to be split between capital and maintenance at the Councils discretion (to be supplemented by any underspend on the bridge cost, as outlined below).	50% to be paid prior to occupation of 84 <sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152 <sup>nd</sup> dwelling.
3	<p><b><u>Controlled Parking Zone</u></b></p> <p>Contribution towards the making and implementation of a traffic regulation order for the site/other roads in the vicinity if this proves necessary -in the event that a CPZ is not necessary, the contribution will to be added to Play contribution.</p>	£15, 000	50% to be paid prior to occupation of 84 <sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152 <sup>nd</sup> dwelling.

Table 1	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
4	<p><b><u>Monitoring Fee</u></b></p> <p>Contribution towards the Council's additional costs of monitoring compliance with the agreement or undertaking.</p>	£1000 per annum until development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years
5	<p><b><u>Primary Schools</u></b></p> <p>Project: Contribution to be applied towards the provision of the Phase 1 Extension at St Theresa's Primary School, Ashford</p>	£98, 100	50% to be paid prior to occupation of 84 <sup>th</sup> dwelling. Balance (remaining 50%) to be paid prior to occupation of the 152 <sup>nd</sup> dwelling.

Table 1	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
6	<p><b><u>Public Art</u></b></p> <p>Project: On-site provision of a bespoke bridge as outlined in the application linking the site to the land to the east to a detailed design and timetable to be agreed.</p>	<p>Obligation to construct and thereafter maintain. Should the construction of the bridge cost less than £250,000 then 50% of the cost reduction to be paid to the Council and added to the Children's and Young People's Play Space sum as above.</p>	<p>To be completed and opened for public use upon occupation of the 178<sup>th</sup> dwelling</p>
7	<p><b><u>Restoration and Conversion of Whist House</u></b></p> <p>To submit a scheme to be agreed to make Whist House wind and watertight</p> <p>Whist House to be made wind and watertight in accordance with the approved scheme.</p> <p>Whist House to be fully restored/converted in accordance with the plans approved for Listed Building Consent.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Within 6 months of the granting of planning permission and LBC.</p> <p>Within 1 year of the approval of the scheme.</p> <p>Prior to the occupation of the 224<sup>th</sup> unit</p>

Table 1	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
8	<p><b>Travel Plan Monitoring</b></p> <p>Funding to KCC to monitor the travel plan to be approved pursuant to condition.</p>	£5, 000	to be paid in instalments of £1000 for 5 years post occupation
9	<p><b>Accessible and Adaptable Housing</b></p> <p>Provision of 20% of the units as accessible and adaptable housing (Building Regs. M4(2) standard for construction and fit out)</p>	Details to be agreed.	To be provided before first occupation of each block.

**Regulation 123(3) compliance:** Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.

Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.

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

### (C) PERMIT

**subject to the following planning conditions and notes, with any 'pre-commencement' planning conditions to have been the subject of the agreement process provisions (with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

#### Implementation

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to reflect the fact that the viability of the scheme has been assessed at the point in time at which this permission was granted.

2. No development shall commence until a phasing plan and headline programme for the delivery of the site has been submitted to and approved in writing by the Local Planning Authority. This plan should identify the general phases of development (and also including the means of access, car parking and servicing arrangements) and their sequence of implementation, and identifying within each phase all areas to be developed or landscaped. This should aim to include;
  - a) The four main building blocks
  - b) The footbridge over the Great Stour River constructed before the occupation of the 178th residential unit.
  - c) Whist House fully restored and completed no later than the occupation of the 224th residential unit.
  - d) The riverside enhancement works shall be completed before the occupation of the last phase.

The development shall be carried out in accordance with the approved phasing plan and headline programme unless otherwise agreed in writing by the Local Planning Authority.

**Reasons** – to ensure a high-quality environment is established at an early stage for occupiers

#### Compliance with Approved Plans

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

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

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

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

#### Materials

5. External Materials – Within 3 months of the start of construction details of all external materials and detailing of all structures shall be submitted to and approved in writing by the Local Planning Authority including
  - source/ manufacturers,

- material samples of bricks, tiles and cladding should be erected on a 1x1m panels located on site
- samples of other external materials of architectural detailing such as balcony details, rainwater goods, roofing, eaves, doors, windows, canopies etc
- External minor fixtures and fitting such as lighting, vents or flues etc.
- Any associated utility paraphernalia such as cables, pipes,
- For the brickwork details of mortar joints will be required including the mortar mix specification, colour, thickness, depth and the raked joint detail and method.
- Any visible joins, gaps, vents, weep holes, expansion points etc.
- Thereafter the development shall be carried out using the approved external materials.

This is to show the relationship of the materials and to inform discussion with the Local Planning Authority to assess the quality and suitability of the materials

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

#### Archaeology

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The programme of building recording shall include proposals for recording the building interiors through measured drawings and/or photographs.  
**Reason:** To ensure that historic building features are properly examined and recorded.
7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure that features of archaeological interest are properly examined and recorded.
8. No below ground works (excluding demolition) shall take place until details of foundations designs and any other construction works involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure that due regard is had to the preservation in situ of important archaeological remains.

9. The developer shall give the local planning authority 28 days advance notice of the start of any works and, for a period of [e.g. 14 days] before any work begins, reasonable access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and interior by making measured drawings or taking photographs.  
**Reason:** To safeguard the characteristics, fabric and appearance of the listed building.

### Crime

10. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development (excluding demolition and below ground works) shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.  
**Reason:** In the interest of security and crime prevention and to accord with Policies of Ashford Borough Council Core Strategy Plan, dated 2008, and also in the interests of crime prevention.

### Landscaping

11. Prior to occupation of the first residential unit full details of the public realm landscaping scheme for the surroundings of all buildings within the site, and the proposed public open space, together with a programme/mechanism for its implementation and future maintenance shall be submitted to and approved by the Local Planning in writing unless otherwise agreed in writing by the Local Planning Authority. The details to be submitted shall include:
- a) The full details of the hard landscape works shall be submitted to the Local Planning Authority for its approval shall include detailed information on the following including but not limited to;
    - i. Hard surfacing materials;
    - ii. Proposed finished levels or contours; including terraces, ramps, steps, (including a 1:50 scale drawing of step detail, markings and handrails), levels detail, paving, cycleway, urban swales, kerbs, lighting, handrails (including illumination);
    - iii. minor artefacts and structures (e.g. furniture, bins, benches, bollards, , footbridges, tree guards, tree grills, signs, lighting, decked walkways, cycle racks, artwork, barriers, bird boxes etc.);
    - iv. Outdoor seating areas including details of layout and any other associated paraphernalia such as weather screens or patio heaters;
    - v. Means of enclosure to all boundaries including all fences, boundary wall details including style, detailing and final finish colour of railings.
    - vi. All proposed gates, including style, detailing and final finish colour.
  - b) Soft landscaping details.

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

12. If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority, die are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 5 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.

13. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall be prepared in line with the approved Arboricultural Impact Assessment . The tree works approved shall then only be carried out in accordance with the approved Arboricultural Method Statement unless previously agreed otherwise in writing by the Local Planning Authority..

**Reason:** In the interests of tree preservation and amenity.

14. No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained and within 5 metres of any hedgerows also shown to be retained without the prior written consent of the Local Planning Authority. Any trenches for underground services should be in accordance with the current NJUG guidelines.

**Reason:** To prevent damage to trees and hedgerows on the site.

### Bridge

15. Prior to occupation of the 178th unit a bridge design scheme shall have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Kent County Council. Details of the proposed footbridge bridge should include provision for the movement of wildlife together with details of its future maintenance shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development.

The approved bridge shall be installed prior to occupation of the 178<sup>th</sup> residential unit and maintained in accordance with the approved details.

**Reason:** In the interests of permeability and visual amenity and along the River Stour and in accordance with paragraphs 170 and 175 of the National Planning Policy Framework (NPPF)

### External Fixtures and Equipment

16. Full details of the location, design, appearance and material of any external fixtures and equipment located on the exterior of the buildings or sited within the car park shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the relevant phase of development. The details shall include ;

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- Signage
  - Intercom System
  - Security, alarms or CCTV cameras
  - Post collection
  - Gas, Electricity, Water, Telecommunications related equipment
  - Cables & Pipework
  - Vents, grilles or flues

Thereafter the development shall be carried out in full accordance with these approved details. No other flues, vents fixtures or equipment shall be located on any façade of the buildings hereby approved other than in accordance with the above details

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

17. Prior to the occupation of the relevant phase of development hereby approved details of any proposed CCTV scheme to provide coverage of the external spaces around the relevant phase, together with any signage shall be submitted to and approved by the Local Planning Authority in writing and shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of public safety and crime prevention.

18. Prior to occupation of the relevant phase of the development details of external lighting for the relevant phase shall be submitted to the local planning authority and agreed in writing. The details shall include:

- a. Details of external lighting fixtures and location
- b. Details of the colours of the light
- c. Hours of operation
- d. Any proposed colour phasing
- e. Details of compliance with the Institute of Lighting Engineers guidance notes for the reduction of light pollution

The approved lighting shall be installed prior to occupation of the relevant buildings and no other external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

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

19. Prior to occupation of the first dwelling a scheme for on site management shall be submitted and approved by the Local Planning Authority. This shall include details of refuse storage and the means of collection, CCTV coverage of the parking areas, secure access into the building and the western residential block, internal lobby and corridors, on-site security for the development in particular for the undercroft parking, the cycle storage area and vehicular access to the outside parking areas around the block. It should also include a maintenance regime for all external materials and surfaces of the building and car park, cycle store and refuse stores.

**Reason:** In the interests of the amenity and safety of the residents and users.

20. Within 3 months of the occupation of the relevant phase of development a Cleaning Strategy for the building's exterior shall be submitted and approved in writing by the Local Planning Authority including window cleaning methods and any associated paraphernalia or equipment that may require fixing to the building. The building's exterior shall only be cleaned in accordance with the approved Cleaning Strategy

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

#### Architectural Detailing

21. No development above ground floor slab level of the relevant phase (except demolition) shall be commenced until the following details have been submitted to and approved by the Local Planning Authority in writing:

- a) 1:20 scale details of eaves, coping and roof detail
- b) Details of any external rainwater goods.
- c) All decorative brickwork.
- d) 1:10 and 1:20 details and sections of the window frames to residential units.
- e) 1:20 details of the balconies including materials, balustrade and railings fixings.
- f) Depth of window reveals.
- g) External doors including to flats, cycle store and bin store.
- h) Rooftop fixtures or equipment.

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

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

#### Air Quality

22. Before construction commences the following shall be submitted to and agreed in writing with the Local Planning Authority,

- a) An updated Air Quality Assessment including damage cost analysis in accordance with DEFRA guidance, setting out any suitable mitigation being applied to the development based on the calculated damage cost.
- b) An Air Quality Damage Cost Analysis in accordance with DEFRA guidance outlining any mitigation actions to be taken in response to the Air Quality Assessment

Thereafter any mitigation measures required for Air Quality during the demolition and construction phases of the project, supplied in AQA-19413B-18-109 REV C (Air Quality Assessment Report) document shall be adhered to.

**Reason:** In the interests of the residential amenities of dwellings

#### Residential Amenity

23. Before the start of construction, a finalised noise assessment and recommendations shall be carried out (based on the preliminary report ENA-19413b-18-232 dated August 2018) to inform the final design/mitigation for noise control and thermal comfort, and submitted to the Local Planning Authority. This will help confirm details of which units and windows on the west elevation of blocks A, B and C shall be fitted with triple glazing, and a closed window ventilation system capable of providing thermal comfort with the need to open windows. The assessment and mitigation works shall be submitted to and agreed in writing with the local planning authority, in consultation with ABC Environmental Health officers. Thereafter these agreed items shall be installed on the agreed units prior to the occupation of the relevant residential units.

**Reason:** In the interests of the residential amenities of dwellings

24. Prior to the commencement of development, a scheme for protecting the dwellings / development hereby approved from noise from Station Road traffic and Royal Mail commercial site, shall be submitted to and approved in the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

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

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

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

26. Prior to the operation of the premises, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and

air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

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

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

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

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28. Before any construction works commence a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

- a) Routing of construction and delivery vehicles to / from site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Provision to be made on site to accommodate construction vehicles loading off loading or turning on site and the parking of site operative vehicles
- d) Timing of deliveries
- e) Provision of wheel washing facilities or alternative measures to prevent the transfer of mud and extraneous material onto the public highway
- f) Temporary traffic management / signage

**Reason:** To minimise disruption to the local highway network and to ensure consistency of approach throughout the development of the site.

#### Sustainable Drainage

29. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals of the Flood Risk Assessment (Idom Merebrook, FRA-19852B-18-16-Rev B, August 2018) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding 4 litres per second be hectare and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal.

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

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked.
- An approximate timetable for the implementation of the drainage system

- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

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

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

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework. This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

32. Construction of the relevant phase of the development (excluding demolition) shall not commence until details of the proposed means of foul and surface water disposal for the relevant phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

**Reason:** To ensure that the development can be adequately connected to the existing foul and surface water infrastructure.

33. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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## Highways Matters

34. No dwellings shall be occupied until the completion of the Wellesley Road 2 lane merge as set out in drawing number (ref 18002-SK190114.1).

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

35. No dwellings shall be occupied until the completion and maintenance of the following details shown on the submitted plan (100.03 Revision P6).are provided

- access details shown on the submitted plan
- undercroft car park design and their two accesses, including details of the barriers, lighting, signing, security measures, signs and lining and electric charging points.

**Reason:** In the interests of visual; amenities and highway safety

36. The approved bicycle storage facilities for the relevant phase shall be provided prior to the occupation of the relevant phase of development and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

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

37. Prior to the occupation of the dwellings hereby permitted a Car Parking Management Scheme including a plan showing all the allocated parking spaces on the site identifying which apartments have rights to which car parking spaces and details of a simple, unobtrusive method of identifying and demarcating the allocated private or visitor spaces shall have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted and continue to be complied with for so long as the development is occupied. An up to date plan shall be submitted to the LPA annually. No permanent security objects such as a collapsible bollard, gate barrier or similar object shall be used to prevent access to the parking spaces unless otherwise agreed in writing with the LPA.

**Reasons:** In the interest of highway safety and visual amenity.

38. Details of the street designs shown on the submitted plans shall be submitted to the LPA and agreed in writing prior to the occupation of the dwellings hereby permitted. These details should include the location and design of the following items;

(i) Road, traffic and parking signs including any associated poles and fixings

(ii) Road markings

(iii) All materials including kerbs

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

39. No dwellings shall be occupied until the provision and permanent retention of the vehicle loading, unloading and turning facilities shown on the submitted plan (100.03 Revision P6) space has been laid out within the site so that vehicles can turn so that they may enter and leave the site in forward gear

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

40. No dwellings shall be occupied until the provision and permanent retention of the cycle parking facilities shown on the submitted plan (100.03 Revision P5) prior to the occupation of any of the apartment units hereby permitted.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car.

41. Prior to the occupation of Whist House details shall be submitted to and approved by the Local Planning Authority showing the provision of 4 secure covered cycle parking spaces.

**Reason** – To support cycling provision facilities and promote the use of cycling as sustainable alternatives to the motor car

42. Before the occupation of the relevant phase the proposed design of the non-adopted private access roads and footpaths associated with each relevant phase shall be submitted to and agreed in writing in order to demonstrate they are to be constructed to an adoptable standard. These details must include;

- (i) Footways and/or footpaths shall be completed, with the exception of the wearing course including dropped kerbs and tactile paving
- (ii) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
  - highway drainage, including off-site works,
  - junction and visibility splays,
  - signing and lining
  - street lighting, street nameplates and highway structures if any.
- (iii) Sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients and drive gradients
- (iv) The final wearing course shall be applied within one year of any dwelling being occupied.

These access routes and pathways will be shown on a location plan and thereafter these roads, routes shall remain open to the public at all times roads and at no point shall a gate, fence, wall, railing or other means of enclosure be introduced unless otherwise agreed in writing.

**Reason:** In the interests of highway safety and maintaining wider public access through the site and to achieve functional but well-designed attractive streets.

43. The parking provision for the residential development shall be in accordance with the approved plans and parking spaces shall accord with KCC parking

space standards unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of providing adequate designate parking on site in the interest of highway safety.

44. Before commencement of above ground construction works of the relevant phase, details of the undercroft car park design and their accesses, for that phase shall be agreed in writing shall be submitted to the LPA and agreed in writing. Details related to barriers, lighting, signing, security measures, signs and lining of the undercroft parking shall be submitted and approved prior to occupation of each relevant phase, where applicable.

**Reason:** In the interests of visual amenity and to ensure a safe form of development.

45. No dwelling shall be occupied until details of a residents' information pack in respect of;- the nature of the approved allocated parking and to promote alternative forms of transport has been submitted and approved by the Local Planning Authority in writing and shall comprise the following unless otherwise agreed in writing; :-

- confirmation of the location of any allocated parking facilities
- details of the car club
- details of bus voucher scheme and local bus timetables
- cycle voucher purchase scheme
- details of electric vehicle charging points
- details of the walking distances and times to the nearest community facilities and services
- Information on the regional car share website
- information on local taxi companies

**Reason:** In order to ensure that car parking arrangements and alternative local modes of transport is similarly understood.

46. No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained within three months of the first occupation of the buildings hereby permitted. The Travel Plan should include the following:

- Details on facilitating a car club scheme including up to 2 on-site car parking spaces for use by residents including how it will be run for a period of 5 years from the date of the first occupation.
- setting objectives and targets measures to promote and facilitate public transport use,
- a range of walking and cycling measures to reduce car usage measures to reduce air pollution
- a residents optional cycle voucher towards a new bicycle from a local bike shop and/or a 3 month free bus pass on the Stagecoach East Kent network.
- a resident welcome pack and information on local public transport Information on the regional car share website

- promotion of practices/facilities that reduce the need for travel monitoring and review mechanisms
- Travel Plan co-ordinators and associated support
- Provision of travel information
- Marketing

together with a timetable for the implementation of each element.

**Reason:** To allow those people without a vehicle the flexibility to use a car when they want one in the interests of a sustainable form of development.

47. The location of the two Car Club parking spaces shall be agreed with the Local Planning Authority before the use of the car park commences unless otherwise agreed in writing. Thereafter these spaces shall be preserved for car club parking spaces only unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To allow those people without a vehicle the flexibility to use a car when they want one in the interests of a sustainable form of development.

48. Within a month of the final occupation, a monitoring programme(s), to investigate the offsite parking impact resulting from this development and the need for introducing a Controlled/Restricted Parking Zone in the area around Mill Court, shall be submitted to and agreed in writing with the Local Planning Authority. The monitoring programme shall set out the method, frequency and extent of the area being monitored monitoring area and shall focus on at the following streets; Linden Road; Star Road; Maplesden Avenue plus any other surrounding areas considered to be necessary by the Local Planning Authority. Thereafter if the Local Planning Authority decide the monitoring results demonstrate there is an adverse impact on parking in these local streets and a clear need introduce a Controlled/Restricted Parking Zone, then a process and timescale for its introduction shall be agreed in writing with the Local Planning Authority.

**Reason:** To ensure the development does not lead to off-site parking in nearby existing residential areas

49. Prior to the first occupation, details of the location of a minimum of 2 designated parking spaces featuring electric vehicle charging points shall be provided and agreed in writing with the Local Planning Authority. The charging points should be a dedicated electric vehicle charging socket and the charging points and parking spaces shall be installed prior to the first occupation. Thereafter the parking spaces and the charging sockets shall be retained and maintained in a working order for the parking and charging of electric vehicles only.

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

### Demolition

50. The existing structures shown on the approved site plans as being demolished in their entirety and as part of the approved phasing plan, shall

have all the resulting spoil, bricks or other associated materials which is not to be re-used in the construction of the replacement development, removed from the site before work starts on the relevant phase of the construction of the replacement development hereby permitted.

**Reason:** To enable the Local Planning Authority to regulate and control the development of the land; to preserve the residential and visual amenities of the locality and to secure a satisfactory standard of development having regard to Policy TC9 of the TCAAP.

### Flooding

51. Before first occupation a plan for the provision and landscape management of an 8 metre wide buffer zone alongside the Great Stour has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development unless otherwise shown on the approved drawings. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example, native species).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

**Reason** Land alongside the Great Stour is particularly valuable for wildlife and it is essential this is protected. This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused.

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

**Reason** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

53. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning

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

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

#### Contaminated land

54. No development (except some small scale demolition of hardstanding) approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

- 1) A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This must include removal of parts of hardstandings to test soil below.
- 3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met

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

**Reason:** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 170 of the National Planning Policy Framework.

55. If, during development, contamination (including gases) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local

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Planning Authority. The remediation strategy shall be implemented as approved.

**Reason** To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

### Ecology

56. All works to the river bank shall be in keeping with the natural character of the banks to ensure its wildlife habitats are protected.

**Reason:** To protect the areas of wildlife habitats and to improve habitat on the site

57. If any trees and shrubs cannot be removed outside the breeding season, then a qualified ecologist is required to carry out a check for nesting birds. If a nest is identified and considered to be on use then works must be delayed until the young have fledged unless with the written consent of the Local Planning Authority.

**Reason:** In the interests of protecting nesting birds.

58. All species within the planting scheme will comprise indigenous species within 500m of the Local Wildlife site.

**Reason:** To ensure no invasion of non-indigenous species into the Local Wildlife Site and to preserve ecological integrity.

59. No works that may affect bats shall be carried out until a long-term management and monitoring plan that ensures that the populations of species affected are conserved and wherever possible enhanced has been submitted to and approved in writing by the Local Planning Authority. The approved management and monitoring plan shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the existing population of bats and maintain and enhance their habitat on the site in the future.

### Whist House

60. Prior to commencement of the works/development associated with Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of Whist House shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. This should include detailed written information, samples and drawings (1:20 or 1:50 scale and sections) of the following

- a) Written details including source/ manufacturer and samples of all external materials including bricks, tiles and cladding

- b) New window(s)/door(s) shall precisely match the existing/adjacent window(s)/door(s) in detail, form of construction, material and finish and the external reveal and cill detail shall likewise match the existing/original window/door
- c) Details of any other external fittings to dwellings and their locations (including aerials, dishes and amenity lighting)
- d) Riverside terrace including materials, balustrades, rails
- e) Brick boundary wall pier and coping details
- f) All proposed driveway and pedestrian gates including style, detailing and final finish colour
- g) Pedestrian gate, railings, fixings etc
- h) Hedge landscaping
- i) to identify the all external gas and electricity meters and relationship to proposed adjacent ground levels whether hard or soft landscaped.

The development shall be carried out using the approved external materials. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works. Detailed information and drawings of any non 'like for like' repairs and structural works not shown on the approved drawings, or any variation of these approved works shall be submitted to the Council and approved in writing.

**Reason:** To safeguard the characteristics, fabric and appearance of the listed building and in the interests of visual amenity.

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

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

62. Prior to commencement of the works to Whist House hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, panelling, ceilings, floors, timbers, wainscot, staircases, external cornice, rainwater goods and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

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

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63. Before any works are carried out to Whist House the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

- 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
- 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
- 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.
- Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, staircase, panelling, skirting and wainscot.
- 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
- 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
- Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

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

64. No sand-blasting or other abrasive method is to be carried out to clean any timbers of Whist House.

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

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

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

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

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

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

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

68. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary at Whist House to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

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

69. Before relevant works commence at Whist House, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

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

70. Any hidden historic features at Whist House revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

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

## Note to Applicant

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

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

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to require further amendments acceptable and permission was deferred to give time for further amended plans to address the outstanding issues.
- The applicant was provided the opportunity to submit amendments to the scheme and address relevant design and planning issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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

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

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

Transportation to progress this aspect of the works prior to commencement on site.

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

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

3. Advice regarding sprinklers.

In accordance with Procedure Rule 15.5 Councillor Heyes requested that it be recorded that he voted against the motion to permit this application.

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<b>Application Number</b>	18/01256/AS
<b>Location</b>	Whist House, Tannery Lane, Ashford, TN23 1PL
<b>Grid Reference</b>	601345 / 142465
<b>Ward</b>	Victoria (Ashford)
<b>Application Description</b>	Demolition of two pre-1948 brick buildings. Internal and external restoration works to Whist House relating to its restoration to provide a 4-bed dwelling (associated to corresponding planning application 18/01168/AS for redevelopment of the site to provide to provide a total 244 residential units)
<b>Applicant</b>	U+I (Ashford) Limited
<b>Agent</b>	Lichfields, 14 Regents Wharf, All Saints Street, Islington, London, N1 9RL
<b>Site Area</b>	1.19 hectares

For public speaker, see previous application.

**Resolved:**

- (A) That the Planning Committee grant Consent for the Listed Building Consent application subject to the application being referred to the Secretary of State under the Planning (Listed Buildings and Conservation Areas) Act 1990 and receiving his confirmation that he does not wish to call the application in for his own determination.**

**Grant Consent**

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

1. Prior to any works the following surveys shall be carried out as a result of investigatory works and providing details of the making good;
  - a) an updated new conditions/structural survey
  - b) a damp report These surveys shall be shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.

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

2. Prior to the commencement of any works a full specification and schedule of works shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

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

3. Prior to commencement of the works/development hereby approved, detailed drawings and a full written schedule of works and specifications for the repair of the chimneys, internal partitions, external brickwork, front porch, panelling, ceilings, floors, wainscot, staircases, external cornice, rainwater goods, doors and windows as (as identified on the approved plans), shall be submitted to and agreed in writing by the Local Planning Authority including method statement setting out the sequence of the works and the works carried out in accordance with the approved details. Should the extent of works alter during the course of the development then the applicant must submit full details of the proposed alterations prior to carrying out the works.

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

4. Before any works are carried out the following details shall be submitted to and approved in writing by the local planning authority and the works thereafter shall be carried out in accordance with the approved details.
  - 1:50 scale survey drawings for all existing timber framing to external walls and roofs including studs and rafters showing which are to be retained, replaced, removed or repaired, including methods of repair where applicable.
  - 1:50 scale survey drawings showing all areas of brickwork or other masonry which is proposed to repair, including methods of repair where applicable.
  - 1:20 scale plan sections of new internal partitions, including details of their relationship to historic structure, and junctions with historic fabric.

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- Detailed drawings to scale 1:5 and 1:1 of typical details of all new joinery, to include windows, internal and external doors, blind boxes to front elevation, new elements to staircase, panelling, skirting and wainscot.
  - 1:50 scale plans indicating areas of floor boarding it is proposed to replace.
  - 1:10 scale drawings illustrating proposed eaves and ridge detailing, indicating the provision of eaves and ridge level ventilation and the specification of any roofing felt and insulation where proposed.
  - 1:10 scale drawings illustrating alterations to external wall coverings to show any insulation or membrane to be added.
  - Details of mechanical ventilation or flues to be installed including location, dimensions, colour and material

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

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

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

6. Following the removal of the external render and prior to any further works, work is to be suspended and the local authority notified and given the opportunity to inspect. Written details of any replacement render, including render mix, details of application and proposed finish colour, or any other material shall be submitted to and agreed in writing by the LPA and the works thereafter carried out in accordance with the approved details.

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

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

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

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

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

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

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

10. Details, source/manufacturer and samples of replacement Peg Tiles/Hanging Tiles necessary to make up the shortfall, in addition to those reclaimed following the careful stripping of the roof and relevant elevations, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved additions. Such tiles shall be sound second hand or new, matching the existing in type, colour, size, thickness and texture.

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

11. Before relevant works commence, written details confirming external render mix, detailed method of application, and proposed finished colour are to be submitted to and approved by the local planning authority and the development thereafter is to be carried out in accordance with the approved details.

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

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12. Any hidden historic features revealed during the course of investigative or further works to the walls, floors, ceilings and fireplaces shall be retained in situ, work to be suspended in the relevant areas of the building and the local planning authority notified immediately and given the opportunity to inspect. Prior to the commencement of any further works details including a schedule of works, drawings and annotated photographs as appropriate shall be submitted to and agreed in writing by the local planning authority and the works thereafter shall be carried out in accordance with these approved details.

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

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

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

14. The two historic outbuildings identified for demolition shall not be removed until a drawn and photographic record has been submitted to and approved in writing by the local planning authority.

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

15. The implementation of a programme of building recording shall be carried out in accordance with a written specification and timetable to be agreed in writing with the LPA. The developer shall subsequently give the local planning authority 28 days advance notice of the start of any works and, for a period of 14 days before any work begins, reasonable access to the building shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building and its interior by making measured drawings or taking photographs.

**Reason:** To ensure features of historic and architectural interest are properly examined and recorded.

16. The works of demolition shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been awarded and planning permission has been granted for the redevelopment for which the contract provides and details of the timing of demolition and commencement of rebuilding have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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<b>Application Number</b>	18/00759/AS	
<b>Location</b>	Land to the South of Sicklefield House, Ashford Road, St Michaels, Tenterden, Kent	
<b>Grid Reference</b>	88597/35776	
<b>Parish Council</b>	High Halden	
<b>Ward</b>	Weald Central	
<b>Application Description</b>	Outline planning permission with all matters reserved except for access from the A28 for up to 30 residential properties, open space and associated access into the site.	
<b>Applicant</b>	Mr C Hawkins, DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
<b>Agent</b>	As applicant	
<b>Site Area</b>	3.02ha	
(a) 26/1X, 2S, 6R	(b) R, TTC (Adj)X	(c) KCC BIO/X, KHS/X, TDRA/R, WKPS/R, HSE/X, SGN/X, Housing/+, KCC PROW/X, Ramblers/X, SWS/X, BTOD/X, KCC LLFA/X, Kent Police/X, KCC Ed/X, Refuse/+, NHS/-

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The Senior Planning Officer drew attention to the Update Report. He confirmed that Kent Highways had no objection to the revised access plan. There was an amendment to the blue and red lines detailing which land was within the ownership of the applicant and that forming the application site.

In accordance with Procedure Rule 9.3 Mr Hawkins, the Agent spoke in support of the application. The application before the Committee was for outline planning permission with all matters reserved for future consideration, aside from access, for up to 30 dwellings on this allocated site. The site was allocated for approximately 50 dwellings, which meant that the principle of development in the location had been agreed, this application therefore sought to 'put more flesh on the bones' of the allocation and provide a greater degree of certainty moving forward. The allocation was for approximately 50 dwellings, however due to the location of a high pressure gas main through the site it was not possible to deliver more than 30 units due to the restrictions on built form in this protection zone. It was primarily for this reason that this application sought approval for this reduced number. Nevertheless by reducing the number to around 30 units a development could be created to be more in keeping with the surrounding area which would 'feather' out to a lower density around the more sensitive countryside edge. Another result of this would be the creation of a good level of publicly accessible open space in the site. As the Case Officer stated the plans submitted were indicative only, however they believed that they showed that a good design response could be achieved within the site without harm to the nearby listed buildings or the rural area beyond. They had worked closely with the Local Planning Authority throughout the application process and had sought to overcome any objections raised by statutory consultees, to the point where there are now no objections from statutory consultees. As stated, access was the only matter for detailed consideration which had been designed in accordance with KCCs guidance and has been amended to show a footpath along the site frontage, something that the Parish Council had been concerned about in their response. All required Section 106 contributions would be paid including an upgrade of a nearby footpath which was believed to not just benefit future residents but those who were already in the vicinity. The full level of affordable housing would also be provided within the site which was much needed in the area. In conclusion he advised that the Council had already agreed that this was a suitable site for up to 50 dwellings, following a detailed analysis of the constraints the applicants were proposing a 30 unit scheme which would deliver a high quality development that would respond appropriately to the character and appearance of the locality. He hoped that the Committee were able to support the application.

**Resolved:**

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Development Management and Strategic Sites or the Joint Development Control Managers in consultation with the Director of**

**Law and Governance, with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

Table 1

<b>Planning Obligation</b>		
<b>Detail</b>	<b>Amounts (s)</b>	<b>Trigger Points (s)</b>
<p><b><u>Informal/Natural Green Space (on site)</u></b></p> <p>Project: Scheme for ongoing management of informal/natural space to include details of management entity. Scheme to include details of constitutional documents of management entity which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners for the management thereof. Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>	<p>On the basis of 30 dwellings, a minimum 0.25 ha of space to be provided on site</p>	<p>Scheme to be approved by the Council prior to commencement to be fully implemented prior to the first occupation of 75% of the dwellings</p>
<p><b><u>Children's and Young People's Play Space</u></b></p>		

<p><i>Applies to developments of 11 dwellings or more</i></p> <p>Project: Contribution towards new children's play equipment at St Michael's Recreation Ground, Ashford Road, St Michaels, Tenterden.</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>
<p><b><u>Affordable Housing</u></b></p> <p><i>Applies to:</i></p> <p>(i) <i>developments of 10 dwellings or more</i></p> <p>(ii) <i>residential sites of 0.5 ha or more</i></p> <p>In accordance with table within Policy HOU1</p>	<p>Provide on-site 40% affordable units comprising: 10% of total number of units as Affordable/Social Rented 30% of the total number of units as Affordable Home Ownership Products of which 20% of the total number of Affordable Home Ownership Product units shall be shared ownership.</p>	<p>Affordable units to be constructed and transferred to a registered provider upon occupation of 75% of the open market dwellings.</p>
<p><b><u>Accessible Housing</u></b></p> <p>At least 20% of all homes shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>In accordance with policy HOU14 part a).</p>	<p>Provide on-site 20% of all units.</p>	<p>Prior to first occupation of any dwelling to be built in accordance with the standard.</p>
<p><b><u>Allotments</u></b></p>		

<p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards a project to identify and acquire land within the Parish of High Halden for allotments</p>	<p>£258 per dwelling for capital costs</p> <p>£66 per dwelling for maintenance</p>	<p>Upon occupation of 75% of the dwellings</p>
<p><b><u>Libraries</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Contribution for additional bookstock at libraries in the borough</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>
<p><b><u>Outdoor Sports Pitches</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: provision of a tennis court/outdoor gym/cricket facilities at the recreation ground at Hopes Grove/Shawlands Lane, High Halden</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>
<p><b><u>Primary Schools</u></b></p> <p><i>Applies to developments of 11</i></p>	<p>£3324 per house</p>	<p>Half the contribution</p>

<p><i> dwellings or more</i></p> <p>Specific Project: Towards Tenterden Infant School expansion</p>		<p>upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
<p><b><u>Secondary Schools</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Towards Norton Knatchbull expansion works to Playground and parking</p>	<p>£4115 per house</p>	<p>Half the contribution upon occupation of 25% of the dwellings and balance on occupation of 50% of the dwellings</p>
<p><b><u>Strategic Parks</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project: Contribution towards the seating and shelter provision around the lake at Conningbrook Country Park, as part of the public art project.</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>
<p><b><u>Public Right of Way</u></b></p> <p><i>Applies to developments of 11 dwellings or more</i></p> <p>Specific Project:</p> <ul style="list-style-type: none"> <li>• Improvements to the surfacing of the existing</li> </ul>	<p>£10,000</p>	<p>Upon occupation of 75% of the dwellings</p>

	Public right of Way (route code AT146) adjacent to the site.		
	<p><b><u>Custom/Self Build</u></b></p> <p><i>(i) Applies to sites of more than 40 dwellings within and on the edge of Ashford and Tenterden</i></p> <p><i>(ii) Applies to sites of more than 20 dwellings in villages and rural areas</i></p>	5% as serviced dwelling plots	TBA
	<p><b><u>Monitoring Fee</u></b></p> <p><i>Applies in all cases</i></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	£1000 per annum until development is completed	TBA
			First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)
<p><b>Regulation 123(3) compliance:</b> Fewer than five planning obligations which provide for the funding or provision of the projects above or the type of infrastructure above have been entered into.</p>			

Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's legal costs in connection with the deed must be paid.

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

## **(B) Grant Outline Consent**

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

### **Standard**

1. Standard condition for submission of reserved matters
2. Standard time condition for outline application

### **Highways and Parking**

3. Parking and cycle parking
4. Details of the provision cycle parking facilities
5. Provision of site access
6. Provision of footway to be constructed on the eastern highway verge between the application site and existing footway at Popes House Lane
7. Car barns PD restriction
8. Provision of final wearing course
9. Construction Management Plan
10. Visibility splays

### **Landscaping & Ecology**

11. Landscape management plan
12. Arboricultural Impact Assessment and Tree Protection Plan
13. Boundary treatments
14. GCN and Reptile mitigation strategy

15. Bat sensitive lighting plan
16. Updated badger survey
17. Ecological management plan
18. Scrub and hedgerow clearance
19. Ecological enhancements
20. Adoption management plan
21. Retention of trees & hedgerows

#### **Drainage & Disposal of Foul**

22. SUDs layout
23. SUDs operation and maintenance manual
24. SUDs post completion Verification Report
25. Means of foul water disposal

#### **Residential**

26. Space Standards – internal and external pursuant to policies HOU12 and HOU15.
27. Refuse storage details
28. Electric car charging points
29. Water efficiency condition pursuant to policy ENV7
30. Provision of water butt to each dwelling
31. Dwellings used for C3 purposes only
32. Removal of PD rights

#### **Other**

33. Architectural details
34. Housing Mix
35. Broadband
36. Contamination
37. Standard Plans condition

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38. Standard enforcement condition

**Notes to Applicant**

1. S106
2. In respect of the Public right of Way:
  - a. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  - b. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development:
  - c. No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path.

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

3. All holes must be covered at night or a plank placed in the holes to enable and badgers to escape.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
5. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>
6. Kent County Council recommends that all developers work with a elecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For

advice on how to proceed with providing access to superfast broadband please contact [broadband@kent.gov.uk](mailto:broadband@kent.gov.uk).

## 7. Working with the Applicant

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

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

In this instance

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

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<b>Application Number</b>	18/01601/AS
<b>Location</b>	Site B adjacent Wyvern Way, Land south of M20 and east of, Henwood, Ashford, Kent
<b>Grid Reference</b>	02214/43041
<b>Parish Council</b>	None
<b>Ward</b>	Stour
<b>Application Description</b>	Erection of 29 no. light industrial/business units (B1(a), (b) and (c), B2 and B8; two storey creative laboratory including space for the development of new dance productions, administrative space and shared use cafe; new access and road layout and associated hard and soft landscaping.
<b>Applicant</b>	Mr J White, Kent County Council, 2 <sup>nd</sup> Floor, Invicta House, Maidstone, ME14 1XX

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<b>Agent</b>	Mr N Thompson, Robinson Escot Planning, Downe House, 303 High Street, Orpington, BR6 0NN		
<b>Site Area</b>	13.11 ha		
(a) 6/-	(b) -	(c)	EHM – X, SW –X, KHS – X, KCC SUDS, KCC Ecology/Biodiversity - X, ABC Refuse - X, EA – X, EHM – X, Access Group - X

The Head of Development Management and Strategic Sites drew attention to the Update Report. The application description had been amended and condition 23, had also been amended.

In accordance with Procedure Rule 9.3 Ms Vardimon, the future tenant, spoke in support of the application. The Company relocated to Ashford in 2012 thanks to the support of Ashford Borough Council and Arts Council England. Setting up its space within the Stour Centre had afforded the Company the ability to develop a number of high profile internationally acclaimed works, acting and advocating for the region across 12 different countries, including South Korea, North America, France to name just a few. Their own training programme 'JV2' started in September 2012 and the course had provided a pathway to creative employment for over 100 students from all across the globe. She highlighted the progress of a number of the students, in particular those that had returned to teaching the course and one of whom had progressed to Rehearsal Director of the Company. 85% of their graduates were working in the sector. The Company also provided opportunities for citizens of Ashford and Kent both directly and indirectly. Between 2015 and 2018 the Company delivered benefits to over 17,000 individuals. They worked with agencies to deliver on mental health and wellbeing agendas and working with young people with speech and communication difficulties and young offenders. Additionally they worked with local schools and currently with six schools with special needs pupils. The Company was the largest maker of creative work in Kent and providing a new home would give an opportunity to build upon their successes and deliver across a wider range of agendas. It would also increase their capacity to create internationally acclaimed work within a creation space that could both be local and global and expand on their already successful programmes thereby broadening their offer. To pass on their knowledge and provide a space for emerging artists within the incubator space, to offer a healthy eating café that could bring all sectors of the community together and support the wellbeing agendas and in taking their civic responsibility seriously they were committed to opening the studios for participation events and classes. They hoped that the Council, who had the vision to welcome them to put down roots in the first place, would now support them to develop this space and further support the aspiration and vision of Ashford. They were fully committed to the place and community and wanted to be part of making a positive, healthy, growing community.

**Resolved:**

**Permit**

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

**(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

**Time limit for implementation**

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

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

**Monitoring and enforcement**

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

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

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

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

**Materials**

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

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

**Noise and vibration**

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5. Prior to the first use of each building hereby approved, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

### **Sewerage and Drainage**

6. None of the buildings hereby approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented and maintained in accordance with these approved details unless otherwise approved by the Local Planning Authority.

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

7. Prior to the commencement of any ground works, a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the approved SuDS Report (GeoSmart Information, December 2018) and shall demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

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

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

### **Air Quality**

9. The applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost

**Reason:** To ensure that there is no negative impact upon air quality in accordance with policy ENV12 of the Ashford Local Plan.

### **Contamination**

10. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported immediately and in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval in writing, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.

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

### **Construction Management Plan**

11. 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

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in writing by the Local Planning Authority. Prior to the commencement of the development a Code of Construction

The code shall include,

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

**Reason:** To protect the amenity of the users of neighbouring sites.

### **Highways and parking**

12. The area shown on the drawing number (718/010/PL03 Revision A) as vehicle parking space and turning shall be provided, surfaced and drained in accordance with the details approved before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

13. The area shown as vehicle loading/unloading and turning facilities shown on the submitted plan (718/010/PL03 Revision A) shall be provided prior to the first occupation any of the light industrial units or creative laboratory and shall be retained in perpetuity for these purposes unless otherwise approved in writing by the Local Planning Authority.

**Reason:** Development without provision of adequate loading and turning facilities may lead to inconveniences to other road users.

14. Prior to the first occupation of the industrial units, full details showing the provision and permanent retention of 2 secure, covered cycle parking spaces for each of the light industrial units shall be submitted to and approved by the Local Planning Authority. These spaces shall be retained in perpetuity in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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

15. Prior to the commencement of works above ground level, full details including elevations of the bicycle parking facilities detailed on approved drawing 718/010/PL03 Revision A, providing covered secure bicycle parking facilities serving the users of and visitors to, the Creative Laboratory, shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first use of the building and shall be permanently retained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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

16. Prior to the first occupation of any part of the development, the approved access shown on approved plan 718/010/PL03 Revision A shall be completed.

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

17. The building identified as the Creative Laboratory on approved drawing 718/010/PL03 Revision A shall be occupied by the Jasmin Vardimon Company only and be managed based on the day to day use of the Creative Laboratory as set out in paragraph 6.4 of the Transport Assessment unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** An alternative D2 use may generate further pressures on parking in the vicinity.

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18. Prior to the commencement of the development, detailed plans shall be submitted to and approved in writing by the Local Planning Authority showing the provision of a vehicle crossing to serve the 8 proposed parking spaces (Kent Highways Depot parking identified on approved drawing number 718/010/PL03 Revision A). These details shall also detail the removal of the existing segregated footway / cycleway along Javelin Way and its replacement with a shared use facility together with the removal of the two existing speed humps. Works will be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

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

### **Ecology and Biodiversity**

19. No development works must commence on site until the approved reptile mitigation detailed within chapter 9 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018) has been implemented. Upon completion of the reptile translocation the receptor site must be managed and monitored as detailed within Chapter 10 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018) unless otherwise approved in writing by the Local Planning Authority in consultation with Kent County Council Ecology and Biodiversity.

**Reason:** In the interests of ecology and biodiversity.

20. Prior to occupation of the site, the bird nesting features and planting detailed within the Bird Nesting Opportunities Plan; (Native Ecology; March 2018) shall be completed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

21. Prior to occupation of the development, a detailed lighting plan (including a map showing anticipated light spill) must be submitted to and approved in writing by the Local Planning Authority. The plan must incorporate the recommendations within the letter from Native Ecology dated 4th March (Ref 0204\_L01\_Rev B). The lighting plan shall be carried out in accordance with the approved details and there shall be no additional lighting installed without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

### **Landscaping**

22. No development shall take place above ground level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or

the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

### **Use & Sustainable Design & Construction**

23. The industrial units hereby approved shall be used for the purposes of B1(a, b) and c) 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 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

24. (A) Save for external stores, refuse stores, bins stores / substations to approved new buildings,

(i) details of the proposed sustainable design and construction measures that will be incorporated as part of the design approach to the approved buildings and associated plots that will enable a minimum BREEAM 'very good' standard and at least the 40% improvement in water consumption to be reached shall be submitted to the local planning authority for approval prior to the commencement of construction, or

(ii) if the sustainable design and construction requirements at (A)(i) above are not considered to be able to be achieved, a written justification shall be submitted to the local planning authority prior to the commencement of construction setting out the reasons why which shall include (i) an assessment as to what will be able to be achieved through the measures that are proposed, (ii) the likely BREEAM-based score as a result of those proposed measures and (iii) how far that score would be below that which is required to achieve a BREEAM 'very good' standard and the required improvement in water consumption

(B) Thereafter, the approved new buildings (save for external stores, refuse stores, bins stores / substations) shall be constructed in accordance with the sustainable design and construction measures approved pursuant to either (A)(i) or (A)(ii) above unless any variation has subsequently been agreed in writing by the Local Planning Authority. Prior to first occupation of each new building, a BREEAM-based report shall be submitted to the Local Planning Authority verifying that the agreed sustainable design and construction measures have been incorporated in the building and its associated plot and confirming the BREEAM-based standard that has been achieved.

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**Reason:** In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

### **Other**

25. No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

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

26. Industrial processing shall only take place in the buildings identified on the approved plans.

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

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

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

28. Prior to the commencement of works above ground level full details of the proposed replacement electrical sub-station, bin stores and fencing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved plans prior to the first occupation of any part of the development unless otherwise agreed in writing by the local Planning Authority.

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

### **Electric vehicle charging**

29. (A) Prior to the first occupation of any floorspace, plans and details for the provision of a number of electric vehicle charging points to be agreed (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to employee/customer/user demands) shall be provided to and approved by the Local Planning Authority in writing.

(B) Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist employees/customers/users charging an electric or hybrid vehicle. Unless otherwise agreed by the Local Planning Authority in writing, the charging facilities shall be dedicated electric vehicle charging points.

**Reason:** in order to take account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport

modes by employees and customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

## **Notes to Applicant**

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

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

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

In this instance

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

### **2. Sewerage**

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructurecharges>

For further details please refer to the consultation response relating to this planning application dated 23 January 2019.

### **3. Environmental**

The developer should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.

It is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

The developer should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

#### 4. Highways

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

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

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.

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<b>Application Number</b>	19/00054/AS
<b>Location</b>	Victoria Park, Jemmett Road, Ashford, Kent
<b>Grid Reference</b>	00415, 42238
<b>Ward</b>	Victoria
<b>Application Description</b>	Extension to existing nursery building to create new cafe provision. Improvements to entrances on public highway, resurfacing and extension to existing car park, new CCTV, lighting columns adjacent to new cafe (+4m in height), new feature play equipment (+4m in height).
<b>Applicant</b>	Emma Powell, Open Space Planning Development Officer, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL
<b>Agent</b>	Mr James Penney, Allen Scott Ltd, 44 Newton Road, Tunbridge Wells, Kent, TN1 1RU
<b>Site Area</b>	0.66ha

- (a) 435/1S/2R                      (b) -                                      (c) KHS/X, SUDS/X, KCC Arch/-, KCC Ecology/X, EA/X, KF&R/X, Police/+, EHM/X, Street Scene/-, Culture/-, SWS/X, Ashford Access/X, SACF/S

The Head of Development Management and Strategic Sites drew attention to the Update Report. A number of consultation responses and representations had been received since the report was prepared, she précised these to the Committee and amended her recommendation.

In accordance with Procedure Rule 9.3 Ms Rowles a local resident spoke in support of the application. She was the secretary of the 'Friends of Victoria Park' and a regular user of the park with her two young children. The Friends group had been very supportive of the ongoing Heritage Lottery Fund bid and were pleased to have been set up to help preserve the park and allow many people to enjoy the wonderful green open space. The contact they had had with the public, through face to face and social media in relation to the planned improvements had all been positive. They therefore welcomed the much needed improvements to the building which could not be much worse and her three year old would not enter the current toilets as they were "too scary". They also welcomed the additional lighting, CCTV and parking improvements which would hopefully deter anti-social behaviour that currently plagued the park. She hoped it would make the park more appealing to potential visitors.

One of the Ward Members attended and spoke in favour of the application.

### **Resolved:**

### **Permit**

**Subject to the following Conditions and Notes (with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

- Standard time condition
- Condition to ensure development in accordance with approved plans
- Materials to be submitted.
- Condition imposed on building structures over 4 metres in height – full details to be submitted.
- Highways/parking conditions

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- SUDS conditions
  - Condition to control noise and vibration from plant
  - External lighting on a timer control
  - Condition to make site available for inspection
  - Conditions relating to ecology
  - Conditions relating to sewerage

## **Note to Applicant**

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

In this instance

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

### **2. Environment Agency**

The applicant should be aware that any activities in, over, under or within eight metres of the top of the river bank may require a permit with some activities excluded or exempt. Further details and guidance are available at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Contact the Partnerships and Strategic Overview team at [pso.eastkent@environment-agency.gov.uk](mailto:pso.eastkent@environment-agency.gov.uk) or our National Customer Contact Centre on 03708 506 506 or [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) for more information.

### **3. Advertisements/signage**

The applicant is advised that the proposed signage to the café may require the benefit of a separate application for advertisement consent.

#### **4. Environmental Health**

The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

#### **5. Highways**

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

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

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

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Queries concerning these Minutes? Please contact Member Services  
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