

<b>Application Number</b>	19/01213/AS	
<b>Location</b>	Carlton Business Park, Carlton Road, Ashford, Kent	
<b>Grid Reference</b>	00118/42821	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria Ward	
<b>Application Description</b>	Removal of Condition 33 on planning permission 18/01843/AS relating to plot 3 (industrial units) in relation to hours of operation to allow 24 hour use of the industrial units	
<b>Applicant</b>	Ashford Borough Council Corporate Property, c/o Agent.	
<b>Agent</b>	Mrs M Davidson, MDAssociates, 5 Chancery Lane, London, WC2A 1LG	
<b>Site Area</b>	2.23 hectares	
(a) 62/18R	(b) -	(c) EHM -X

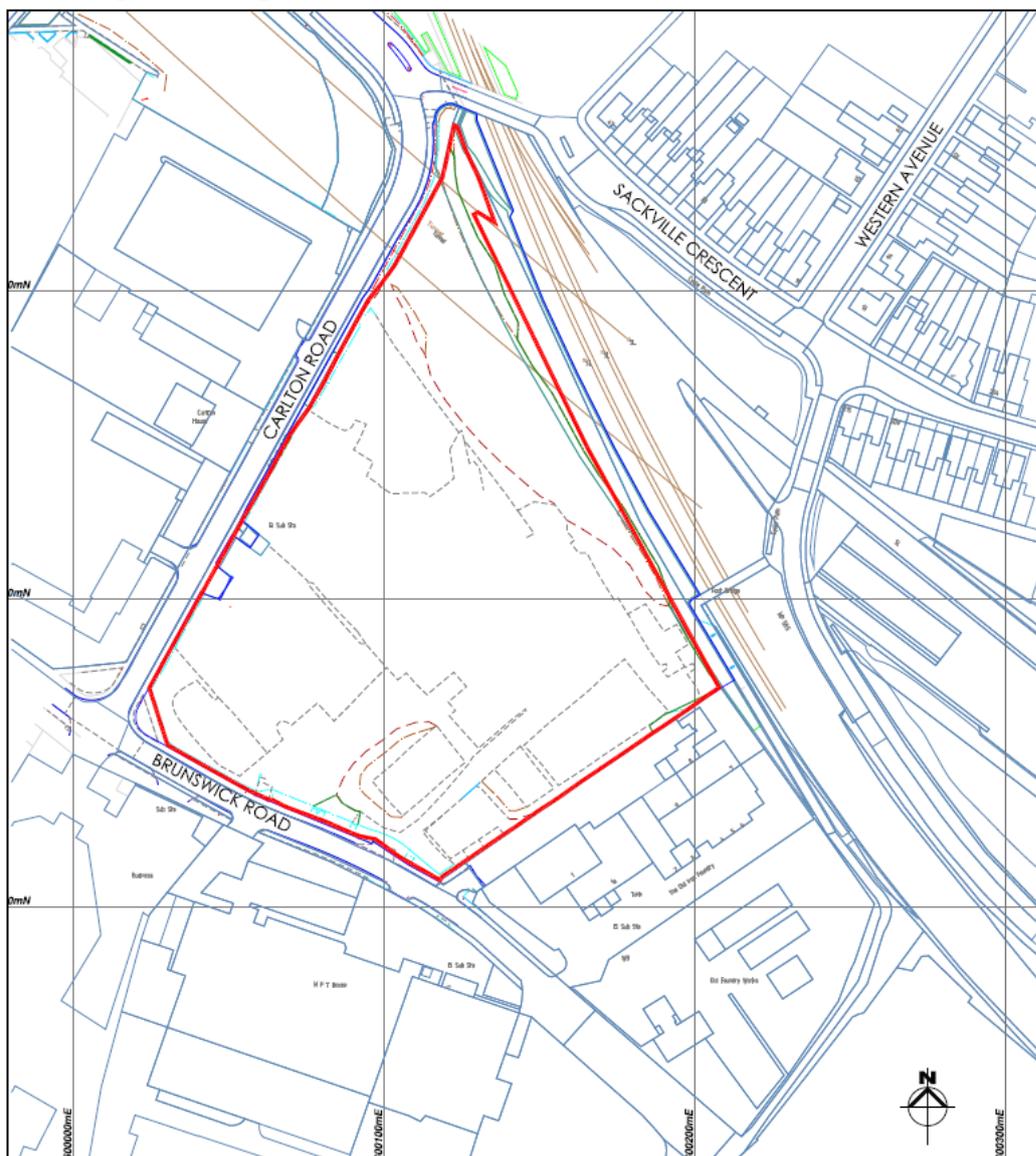
## Introduction

1. This application is reported to the Planning Committee because the Council owns part of the site (the industrial units and the Aspire Landscape Depot).

## Site and Surroundings

2. The site comprises a former factory site recently developed to provide the following:
  - 28 Industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved (Plot 3).
  - A grounds maintenance depot (Plot 1).
  - A ready mix concrete and satellite aggregate depot (Plot 2).
  - Internal spine road and improved access points off Carlton Road and Brunswick Road.

3. Construction of the industrial units has recently been completed. The depot has also been completed and occupied and the infrastructure has been recently completed.
4. The site is located along the edge of the Cobbs Wood Industrial estate, at the corner of Carlton Road and Brunswick Road which lies to the south west of the Ashford Town Centre.
5. The Channel Tunnel Rail link adjoins the north-eastern boundary of the site and separates the application site from an established residential neighbourhood.
6. The site location is shown in **Figure 1** and **Figure 2** below. The location of the industrial units (plot 3) within the context of the overall site is outlined in red in **Figure 3**. **Figure 4** further below shows the development as completed.



**Figure 1: Site location plan**



**Figure 2: Site location plan**



Figure 3: Location of Plot 3 within the wider site (outlined in red)



Figure 4: Plot 3 Industrial units as completed.

## Proposal

7. The application is made under section 73 of the Town and Country Planning Act to remove condition 33 of the outline planning permission (now 18/001843/AS). This condition is relevant to plot 3 only (the industrial units) and relates to the hours of operation.

8. The wording of condition 33 is as follows.

***There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Friday and on Saturdays before 0600 hours or after 1800 hours and at any time on Sundays, Public and Bank Holidays.***

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

9. The proposed removal of this condition would allow for the industrial units to operate unrestricted in relation to hours of operation.

10. The applicant has submitted a letter from Altus Group who are managing the lettings on behalf of the Council which sets out the reasons for the removal of the condition. This letter states that the industrial units have been marketed

since June 2018 however there have been difficulties in finding tenants. It is stated that potential occupiers have frequently advised that the hours of use condition is too restrictive and therefore does not allow for flexibility and business continuity.

11. An acoustic assessment has been submitted as additional information in response to some of the concerns raised by local residents. The report looked at the types of uses that could occupy the units and specifically focused on potential noise from the application site during the night and during the day on Sundays. Assessment was made against BS 4142:2014 – (Method for assessing the impact of a proposed or existing industrial sound source)

## Planning History

The most recent and relevant planning history is detailed below:

**16/00562/AS** - Hybrid application permitted for the following:

1. Outline planning permission for 12 industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved.
2. Full planning permission for a grounds maintenance depot and a ready mix concrete and satellite aggregate depot, internal spine road and improved access points off Carlton Road and Brunswick Road.

**16/00652/AMND/AS** – Application to amend the layout of the industrial units to allow for the creation of a greater number of smaller start up units in place of large units together with increased parking provision. The amended masterplan provides a reduced 4,554m<sup>2</sup> of GEA and 92 marked car parking spaces, including 17 disabled car parking spaces. This amendment was granted.

**17/00675/AS** - Reserved matters application for details of appearance, layout, scale and landscaping to plot 3 pursuant to outline permission granted under 16/00562/AS.

**17/01727/AS** – Application to vary condition 25 of application 16/00562/AS permitted to vary BREEAM target rating from 'Very Good' to 'Good'. The decision notice replaces that of 16/00562/AS.

**18/01843/AS** - Variation of condition 33 on planning permission 17/01727/AS relating to plot 3 (industrial units) amending the hours of operation. The application was approved and the decision notice replaces that of 17/01727/AS and it is condition 33 of this permission that the current application seeks to remove. Condition 33 stated:

*'There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 2200 hours Monday to Friday and on Saturdays before*

*0600 hours or after 1800 hours and at any time on Sundays, Public and Bank Holidays.'*

## Consultations

**Ward Members:** Neither of the Ward Members, Councillor Suddards and Councillor Farrell have commented on this application and are not a member of the planning committee.

**Environmental Health Manager:** Raised no objections following a review of the application details.

Notwithstanding this, the councils Environmental Health Manager was re-consulted following the receipt of the acoustic assessment and made the following additional comments:

*"The assessment appears to be a robust and pragmatic assessment of potential noise associated with the type and scale of the units and overall highlights a low impact requiring no further mitigation in line with current standards".*

Neighbours consulted, **18** letters of objection received. Issues summarised below:

- The development would impact upon resident's quality of life through noise.
- The hours of use were agreed at the time of the original application and should not be changed.
- The reason for the hours of operation condition was to protect residential amenity – what has changed?
- The proposal will result in noise and disturbance at night time and at weekends.
  
- All the existing industries on Cobbs Wood are closed on Sundays so an exception should not be made for these units.
  
- A typical user of these industrial units would be unlikely to want to operate outside the existing hours of use in any case.  
[SD&DM Comment: It is not anticipated that many tenants would opt to work outside of 'normal working hours' in any event]
  
- Residents are already impacted by noise from the nearby recycling facility as well as other noise from other nearby industrial premises.  
[SD&DM Comment: The waste facility is a different type of use than the uses that could be allowed within the application site]

- Residents are already blighted by noise from other premises and the railway. There are also problems with dust.

**[SD&DM Comment:** Noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate]

- Comparing the previous use of the site (Rimmel factory) which had unrestricted hours is not the same as a concrete plant (for example) working 24 hours.

**[SD&DM Comment:** This application does not seek to change the hours of operation of the concrete plant only the (B1c/B2/B8) units].

- The change proposed would result in increased pollution.

- The nearby car breakers cause noise which disturbs residents.

**[SD&DM Comment:** Such a use would not be able to operate from the units without the need for planning permission. Noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate]

- The change would set a precedent for other nearby industrial units.

**[SD&DM Comment:** The majority of the surrounding units on the Cobbs Wood Industrial Estate do not have hours of operation restrictions in place]

**Central Ashford Community Forum:** Supports the application stating the following:

*“As Ashford continues to experience residential growth, the forum recognises the need for a commensurate level of commercial growth, job creation and support of local businesses. We believe the flexibility achieved through changing the allowable operating hours of these units, in line with the submitted planning application, would help achieve these aims.*

*In our capacity of representing the needs of the local community, the forum is also very interested in seeing a return on the £6.5 million investment of local funds ABC made in these industrial units. By lifting the operating hours restrictions, and thusly allowing the ABC owned units to support business operations in line with other units within the Cobb Wood industrial complex, we hope ABC is able to achieve the full commercial potential of the units and see a positive return on investment on behalf of the Ashford residents.*

*In providing this support we feel the need to highlight two areas of concern and would ask that they are addressed as a condition of our support.*

*The first area of concern is the potential use of the bus and taxi gate on Carlton Road by the units' tenants, something we are keen to avoid. Therefore, we would ask that tenants are required to submit and adhere to travel plans for accessing the site as part of their tenancy agreement. Additionally, we would like to see additional control measures on this access point to ensure it is not being used by unauthorised vehicles.*

*Secondly, we are very aware that local residents, especially those in the Sackville Crescent and Kings Avenue area, have concerns about the increased noise levels that might be experienced if the operating hours are extended. We are also concerned about the potential noise impact the change to operating hours might have on the local residents. During our 1 October meeting with ABC we were informed that most, if not all, of the other units operating within the Cobb Wood Industrial estate have no restriction placed on their operating hours. Therefore, it is believed, that extending the operating hours for these 28 units within the larger industrial complex, should not significantly increase noise levels experienced by local residents. In order to assess the noise impacts on the local residents, we were informed that the council is having an acoustics survey completed to inform the application decision. The second condition of our support for this application is, therefore, the council undertakes any noise mitigation strategies proposed in the survey prior to the units being allowed to operate outside of their current restricted hours. “*

## **Planning Policy**

12. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
13. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
14. The relevant policies from the Local Plan relating to this application are as follows:-
  - SP1** – Strategic objectives
  - SP3** – Strategic approach to economic development

**SP6** – Promoting high quality design

**EMP1** – New employment uses

**EMP2** – Loss of redevelopment of employment site and premises

**TRS3(b)** – Parking standards for non-residential development

**ENV1** – Biodiversity

**ENV4** – Light pollution and promoting dark skies

**ENV6** – Flood risk

**ENV9** – Sustainable drainage

15. The following are also material considerations to the determination of this application.

#### **Government Advice**

##### National Planning Policy Framework (NPPF) 2019

16. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
17. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
18. Paragraph 180 states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>60</sup>;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## Assessment

- 19. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission.
- 20. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. In this instance a decision notice describing the new permission would be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 21. Members should note that a section 73 application is not an opportunity to reconsider the planning merits of the original application. The local planning authority can only consider the question of the conditions subject to which planning permission should be granted. If Members decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly, and if Members decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.
- 22. Policy SP3 of the Local Plan states that job growth and economic prosperity will be supported within the Borough by taking a positive approach to economic development.
- 23. The proposed change would allow future and existing tenants of these small industrial units flexibility to accommodate their needs and working practices. This accords with the economic aims of the NPPF which seeks to ensure that the planning system helps to build a strong, responsive and competitive economy by supporting growth, improved productivity and innovation.

24. It is anticipated that the majority of tenants would operate under 'normal' working hours however there may be some that wish to work beyond 2200 hours Monday to Friday and 1800 hours on a Saturday. The proposed revised condition would allow this to happen.
25. The proposed hours of operation would be in keeping with other industrial units within the Cobbs Wood Industrial Estate that adjoins this site.
26. The industrial units are located a comparable distance from existing residential properties as other established units within the Cobbs Wood estate. The comments of objectors are noted and the applicant has commissioned an acoustic assessment in response to these concerns. The results of the assessments indicate that potential 24 hour operation from the application site as a result of removing the planning condition would result in a low impact when assessed using BS 4142:2014. As such the report concludes that there are no further reasons on noise grounds why the relevant planning condition should not be removed.
27. It is also noted that some of the objectors are raising concerns about other units within the Cobbs Wood industrial estate and not the industrial units that are the subject of this application.
28. In light of the above and taking into account the additional conditions that were imposed under the outline planning permission that are intended to limit noise disturbance such as the use restrictions and the fact that industrial processing can only take place within the buildings themselves, I am satisfied that the proposal is acceptable and would not cause unacceptable harm through noise and disturbance to residents of the nearest residential properties. The Council's Environmental Protection officer has been consulted and raises no objections to the application.
29. Furthermore, noise and other environmental matters that are causing a statutory nuisance should be reported to the Council's Environmental Health department and can be dealt with under the provisions of the Environmental Protection Act 1990 as appropriate.
30. In light of the above, it is considered that the impact on residential amenity would not worsen as a result of the units being allowed to operate as proposed. I therefore recommend that the application to remove condition 33 is granted under section 73 of the Town and Country Planning Act 1990.

## **Human Rights Issues**

31. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to

reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

32. 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 as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

33. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from it.
34. The impact of the proposal upon residential amenity is acceptable.
35. The proposal would improve the potential for generating employment opportunities, which is in line with the aims and objectives of the NPPF and policy SP3 of the Local Plan, which seeks to promote economic growth and support businesses.

## **Recommendation Permit**

**Subject to the following Conditions and Notes (re-imposed from 18/01843/AS where still relevant):**

**(with delegated authority to either the Strategic Development and Delivery Manager or Development Management Manager 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 Condition number not used.  
2 Condition number not used.  
3 Condition number not used.

Site wide conditions (plots 1, 2 & 3)

Drainage

4. The approved drainage system (16/00526/CONB/AS and 17/01727/CONB/AS) shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

**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.

#### Construction Management Plan

5 All details of the approved construction management plan dated 28 June 2016 shall be adhered to during the construction period.

**Reason:** To ensure provision of adequate off-street parking for vehicles and in the interests of highway safety and to protect the local amenity.

#### Landscaping

6 The approved landscaping/tree planting scheme (16/00562/COND/AS) 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.<sup>7</sup>

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

#### Ecology

7 Development shall be carried out in accordance with the recommendations of the Reptile Survey Report carried out by Ecology Solutions dated September 2015 unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To protect and enhance existing species and habitat on the site in the future.

#### Parking

8 The area shown on the approved drawings as vehicle parking space and turning shall be provided before the uses are 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.

9 Condition number not used.

10 Condition number not used.

Plot 1 (grounds maintenance)

Lighting

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

**Reason:** In the interests of visual and residential amenity and Dark Skies SPD

12 All external lighting shall be extinguished outside of the hours of 06.00 - 18.00 Mondays to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

Use

13 The premises/site shall be used for the purposes of a grounds maintenance depot 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.

Hours of use

14 There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the grounds maintenance depot before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

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

Bicycle storage

15 The approved bicycle storage facilities shall be retained and made available for use.

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

16 Condition number not used.

Plot 2 (concrete batching depot)

Lighting

17 The approved external lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

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

18 All external lighting shall be extinguished outside of the hours of 07.00 -17.30 Monday to Friday and 07.00 - 13.00 on Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

Bicycle parking

19 The approved bicycle storage (16/00562/AS) shall be retained in perpetuity.

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

Use

20 The premises/site shall be used for the purposes of the use approved 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.

21 With the exception of no more than 12 occasions in each calendar year, there shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0700 hours or after 1730 hours Mondays to Friday, 0700 hours or after 1300 hours on Saturdays: or at any time on Sundays, Public and Bank Holidays.

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

Plot 3 (industrial units)

22 Condition not used

Lighting

23 The approved lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

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

24 All external lighting shall be extinguished outside of the hours of 0600 hours-1800 hours Monday to Saturdays.

**Reason:** In the interests of visual and residential amenity and the Dark skies SPD

25 BREEAM

a) part a) discharged under 17/01727/CONA/AS

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

i) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within

BREEAM 2011 New Construction (or subsequent equivalent requirements),

ii) Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

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

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

c) Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

d) Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

i) SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been

installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

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

#### Landscaping/trees

26 The approved tree planting scheme and maintenance schedule (to include the planting of trees as shown on either approved drawing numbers GMDT005 or GMDT006) as approved under 16/00562/COND/AS, shall be carried out fully within 12 months of the completion of the development. Any trees 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.

#### Highways

27 Prior to the commencement of the development the proposed new access gate and crossover for HS1 and gas board maintenance shown on drawing GH-102-TP-01 shall be provided in accordance with the approved plans and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and the protection of the HS1 asset.

#### Bicycle parking

28 The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

#### Use

29 The premises/site shall be used for the purposes of B1(c), B2 and B8 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.

30 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.

31 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.

32 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.

33 Condition not used

HS1

34 The works bulleted below shall be carried out only in accordance with the approved details (16/00562/CONF/AS):

- Hard and Soft landscaping arrangements for HS1 maintenance strip
- Adjustments to errant vehicle protection barrier and access gates to be compliant to standards and approved by KCC highways and evidence provided.
- Impact assessment for loads on tunnels.

**Reason:** The planning application does not contain the detail needed to identify potential effects upon the integrity, safety, security, operation, maintenance and liabilities of HS1 and HS1 Property.

35 The foundations and other works proposed below existing ground level shall be carried out in compliance with the approved details (16/00562/CONF/AS) unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

**Reason:** To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.

36 The approved special measures (16/00562/CONF/AS), to identify and protect HighSpeed1 or UK Power Networks buried services shall be shall only take place in compliance with approved measures unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** No such details have been provided. These services are crucial to the operation of HighSpeed1

37 Works relating to size, loading and proximity to HighSpeed1 of additional ground loads such as stockpiles shall be shall be carried out in conformity with the approved details (16/00562/CONF/AS) unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.

**Reason:** To ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure is not prejudiced.

38 Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance in accordance with the approved details (16/00562/CONG/AS) in consultation with HS1.

Where activities could give rise to PPV of 5mm/s or greater, a vibration and settlement monitoring regime shall be submitted in writing to for approval by the Local Planning Authority in consultation with HS1. It shall be put in place prior to the start of works. HS1 shall be provided reasonable access to the results of monitoring

**Reason:** No details of vibration have been provided. To ensure that vibration does not prejudice safety, operation and structural integrity of HighSpeed1.

Other (plots 1, 2 & 3)

39 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.

40 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

## 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 additional information in the form of an acoustic assessment to address concerns from residents.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01213/AS)

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Annex 1



# Ashford Borough Council

