

# ASHFORD BOROUGH COUNCIL

## GRANT OF PLANNING PERMISSION



### IMPORTANT NOTES

Notification of permission under the Planning Acts does **NOT** convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this is required under the Building Act 1984.

ADVICE ON EACH OF THE ABOVE IS AVAILABLE FROM THE BUILDING CONTROL SECTION – CONTACT 01233 330282 OR ALTERNATIVELY EMAIL [building.control@ashford.gov.uk](mailto:building.control@ashford.gov.uk)

4. Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;
  - a) adequate means of access for the Fire Brigade to the building or buildings as extended and;
  - b) that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

ADVICE ON THIS MATTER IS AVAILABLE FROM THE FIRE PREVENTION OFFICER, ASHFORD FIRE STATION, HENWOOD, ASHFORD, KENT TN24 8YF



# ASHFORD BOROUGH COUNCIL

## GRANT OF PLANNING PERMISSION WITH CONDITIONS



### Notes for the Applicant

#### ***Appeals***

1. If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. **Any appeal must be made within 6 months of the date of decision.**

The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website: [www.planning-inspectorate.gov.uk/pins/index.htm](http://www.planning-inspectorate.gov.uk/pins/index.htm)

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

#### ***Beneficial Use***

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

#### ***Discharging of Conditions***

3. Some conditions attached to the grant of permission may require you to submit details and/or information before you start work.

4. A national fee is set by Government to discharge conditions. These charges are as follows:

- Where the request relates to a permission relating to an enlargement, improvement or other alteration of existing dwelling houses or the erection of a building within the curtilage of an existing dwelling house for purposes ancillary to the enjoyment of the dwelling house the fee will be **£34** per submission.
- Where the request relates to permission for development which falls within any other category the fee will be **£116** per submission.
- **Together with the fee, you are also required to complete an application form for this process. The forms are available on our website.**

Please note that we aim to deal with these requests within 8 weeks.



# NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY

Date of Decision 5th April 2019



ASHFORD  
BOROUGH COUNCIL

Civic Centre  
Tannery Lane  
Ashford  
Kent TN23 1PL  
01233 331111  
[www.ashford.gov.uk](http://www.ashford.gov.uk)

Mr Forrester  
Cala Homes (South Home Counties) Ltd  
Tilford House  
Farnham Business Park  
Weydon Lane  
Farnham  
GU98QT

## Town and Country Planning Act 1990 (as amended) Application for Full Planning Permission

**APPLICATION NO:** 18/00262/AS

**PROPOSAL:** Proposed construction of 43 residential dwellings and associated garages / parking including construction of proposed access road and other associated works.

**LOCATION:** Land between Ransley Oast and Greenside, Ashford Road, High Halden, Kent

**APPLICANT:** Cala Homes (South Home Counties) Ltd Tilford House Farnham Business Park Weydon Lane Farnham GU98QT

**DECISION:** PLANNING PERMISSION IS GRANTED in accordance with the application and plans

Subject to the following conditions:

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

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

- 2 No development shall commence until the applicant, or their agents or successors in title, have secured and implemented:
- (a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - (b) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 3 No development (including groundworks, site or vegetation clearance) until an ecology mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) updated ecological walkover survey and review of the existing specific species surveys;
  - b) updated specific species surveys where necessary to inform the ecological mitigation;
  - c) purpose and objectives for the proposed works;
  - d) detailed design(s) and/ or working method(s) necessary to achieve the stated objectives;
  - e) extent and location of proposed works, shown on appropriate scale maps and plans;
  - f) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - g) persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on the site to undertake/ oversee works;
  - h) use of protective fences, exclusion barriers and warning signs;
  - i) initial aftercare and long term maintenance (where relevant);
  - j) disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall thereafter be maintained as such.

**Reason:** To protect and enhance the habitat of protected species and local wildlife

4 No development shall commence 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 demonstrate that:

a) 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;

b) 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 works shall be carried out in accordance with the approved details and shall thereafter be maintained as such.

**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.

5 No development shall commence until protective fencing has been installed to safeguard the root areas of the hedges and trees in accordance with drawing number 17145-BT4 and Arboricultural assessment & method statement prepared by Barrell Tree Consultant dated 12.07.2018 ref: 17145-AA3-DC, to protect their root areas from construction damage. It should be boarded out at ground level in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction." No level changes, service routings, materials storage, site traffic, building operations, storage, excavations, or other works shall take place within these protected tree root areas. The tree protection measures shall be complied with and maintained for the course of the proposed works.

Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

**Reason:** To enable the local planning authority to ensure the retention of trees and hedges on the site in the interests of visual amenity.

6 No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Transport Management Plan and construction site layout plan have been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall include:

a) parking for vehicles of site personnel, operatives and visitors;

b) loading and unloading of plant and materials including on-site turning for construction vehicles;

c) storage of plant and materials;

d) routing of construction and delivery vehicles to / from site;

e) timing of deliveries;

- f) temporary traffic management / signage;
- g) provision of boundary security hoarding behind any visibility zones;
- h) on site wheel washing facilities;
- i) measures to control the emissions of dust and dirt during construction; and
- j) banksman where reversing HGVs onto the highway

**Reason:** In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and neighbour amenity.

7 Prior to first occupation, an operation and maintenance manual for the proposed sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) a description of the drainage system and its key components;
- b) use of cut-off drainage ditches;
- c) foul and surface water sewerage disposal;
- d) an as-built general arrangement plan with the location of drainage measures and critical features clearly marked;
- e) an approximate timetable for the implementation of the drainage system;
- f) details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities; and
- g) 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 scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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



- 8 Prior to first occupation, a Verification Report for the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to approved in writing by the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of:
- a) earthworks;
  - b) details and locations of inlets, outlets and control structures;
  - c) extent of planting;
  - d) details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners;
  - e) full as built drawings; and
  - f) topographical survey of 'as constructed' features.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

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

- 9 Prior to the commencement of development the following details of proposed swales shall be provided and approved in by the Local Planning Authority:
- a) sections, plans and elevations to a large scale (at least 1:50) showing the swales with proposed tree planting/pits including species; and
  - b) external finish, materials and colour of the swales including any bridge structures, culvert and pipes.

The development shall be built in accordance with the approved details.

**Reason:** To achieve a satisfactory drainage strategy and ensure the finish would complement the visual amenity of the surrounding area.

- 10 Prior to the commencement of development (excluding ground works) written details including source/ manufacturer, and/or samples of:
- a) fenestration details;
  - b) bricks, tiles and cladding materials; and
  - c) fascias, soffits and gutters to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

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

- 11 Prior to the commencement of development (excluding ground works) written details and plans of all highway and footway designs:
- a) carriageway and footway materials;
  - b) kerbs and line markings; and
  - c) street signage for parking.

to be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved details and thereafter maintained.

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

- 12 Prior to first occupation the hard landscaping and hard and soft boundary treatments shall be provided in accordance with approved plans CALA21506 11 F sheet 1, 2, 3 and 4.

The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to first occupation or in the next planting season of the completion development hereby approved and thereafter maintained.

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

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality.

- 13 Prior to first occupation a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments
- f) Details of any necessary management or monitoring for the crossing structures;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- g) Details of site inspections to ensure the management plan has been implemented and identify any ongoing repairs;

- h) Dates of ongoing monitoring and management plan review;
- i) Details of the body or organisation responsible for implementation of the plan; and
- j) Ongoing monitoring or remedial works.

The approved plan will be implemented in accordance with the approved details.

**Reason:** To ensure that the receptor site, green spaces and connective structures maintain their ecological interest in the long term.

- 14 Prior to the occupation the recommendation measures detailed within section 10.0 of the Ecological Assessment prepared by Ethos Environmental Planning dated February 2017 must be implemented and retained for the life time of the development site.

**Reason:** To increase the biodiversity of the site and mitigate any impact from the development.

- 15 Prior to the installation of the electricity sub-station, plans with the external finish, materials and colour shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented and thereafter maintained.

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

- 16 Prior to the first use of the access, the visibility splays of 43 metres x 2.4 metres x 43 metres shown in drawings 5423.001 rev D and 5423.SK1 rev C of the Transport Statement prepared by Stuart Michael Associates dated July 2018 ref: 5423 shall be provided and maintained with no obstructions over 0.9 metres above carriageway level within the splays.

**Reason:** In the interests of highway safety nor cause inconvenience to other highway users.

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

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Schedule 2, Part 1, Classes A and B shall be carried out on the dwellinghouses permitted.

**Reason:** To enable the Local Planning Authority to maintain the size of the gardens to maintain the occupiers living environment.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure and no building as defined by Section 336 of the Town and Country Planning Act 1990 shall be erected forward of the principal elevation and along the front boundary with the road/driveway.

**Reason:** To protect the visual amenities of the locality.

- 20 Prior to first occupation space shall be laid out within the site in accordance with the approved plan Drawing No P32A, for vehicles to be parked on the spaces and car ports and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be maintained 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 (as amended) (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:** The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

- 21 Prior to first occupation, details of bicycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided and thereafter maintained.

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

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

**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.

- 23 Prior to first occupation a service plan and street lighting plan, including details of the external luminaires, shall be submitted to and approved in writing by the Local Planning Authority. This shall comply with the guidance in the Bat Conservation Trust's Bats and Lighting in the UK guidance and Dark Skies SPD. The development shall be carried out in accordance with the approved details and thereafter maintained.

**Reason:** In the interest of highway safety and to maintain the habitat of protected species.

- 24 Prior to first occupation, completion of all off-site highway works to include new pedestrian crossing on Ashford Road as shown on drawing no. 5423.001 rev D to be carried out under a Section 278 of the Highways Act 1980 as shown

**Reason:** in the interests of highway safety and improvement in infrastructure to improve pedestrian routes.

- 25 Prior to first occupation, details of a new bound surface specification to the existing surface of Public Right of Way AT154 through the site shall be submitted to and approved in writing by the Local Planning Authority. This shall be implemented in accordance with the approved plans and thereafter maintained.

**Reason:** in the interests of highway safety and improvement in infrastructure to improve pedestrian routes.

- 26 Prior to first occupation, details for the following shall be submitted to and approved in writing by the Local Planning Authority:

- a) noise levels from the pumping station and electricity substation; and
- b) alternative ventilation for dwellings that front Ashford Road (A28).

The development shall be built in accordance with the approved plans and thereafter maintained.

**Reason:** to protect residential amenity from noise.

- 27 If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken to deal with contamination of land and/or groundwater, and where remediation is necessary a remediation scheme must be prepared to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment). Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority. The proposal shall be completed in accordance with the approved details.

**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.

- 28 No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sundays or bank/public holidays.

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

- 29 All existing trees, hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site.

Any parts of existing hedges/hedgerows trees or plants which within a period of five years after planting or following first occupation of the development are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority shall be replaced in the next available planting season or sooner with others of similar size, species and number.

**Reason:** In the interest of visual amenity and retaining boundary features.

- 30 The finished floor level of dwelling on plots 17-20 and 23-25 shall be at least 300mm above ground levels.

**Reasons:** To ensure that the dwellings are protection from surface water run-off.

- 31 No meter boxes shall be installed on the front elevation of any of the dwellings hereby permitted, where reasonably practicable.

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

- 32 A 5 metre wide buffer zone alongside the retained and new pond to the south east, shall be free from built development including lighting, domestic gardens and formal landscaping and shall thereafter be maintained.

**Reason:** To reduce any impact on protected species and minimise obtrusive light.

- 33 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.

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

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

### Notes to Applicant

This grant of planning permission does not give any legal right to carry out the development on over or under the land of another person or contrary to the rights of any such person. If there is any doubt the applicant should seek his/her own independent legal advice before implementing the planning permission.

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

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

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

In this instance;

- The applicant requested pre-application advice and engaged in two design review panels.
- The applicant responded positively to matters raised in relation to drainage, landscaping, parking and highways
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Plans/Documents approved by this decision

5423.002RevB  
5423.003  
5423.004  
CALA21506 11-G  
CALA21506 11-G (Sheets 1-4)  
2017012P01E  
P02A  
P03B  
P04A  
P05A  
P06A  
P07A  
P08A  
P09A  
P010A  
P11A  
P12A  
P13A  
P14B  
P15A  
P16A  
P17A  
P18A  
P19A  
P20A  
P30A  
P32A  
P101  
17145-BT4

The Council as Local Planning Authority expects the above Conditions to be complied with promptly. Where Conditions require details or other matters to be approved by the Council prior to commencement or occupation of the development, these must be submitted to the Council for its consideration well in advance, to ensure that there is no delay or loss to your project. Failure to observe the Conditions may result in enforcement action by the Council.



Head of Development Management and Strategic Sites

*Please refer to the statement of the Applicants rights following this decision and the general information enclosed with this notice.*