

16 July 2024

Mr John Escott
Downe House, 303 High Street, Orpington, United
Kingdom, BR6 0NN



Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111
www.ashford.gov.uk

NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY

Case Reference **PA/2022/2093**

Site Address **Four Winds, New Road, Egerton, TN27 9DT**

Proposal **Outline application for the erection of 9 dwellings with formation of new access, to consider access and layout with all other matters reserved.**

DECISION: PLANNING PERMISSION IS GRANTED in accordance with the application and plans subject to the following conditions:

Conditions:

- 1 Approval of the details of scale, appearance and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Description

Site Location Plan & Proposed Block Plan - NR/675/BP01 Rev H
Tree Removal Plan - FW/TRP/2140-02-A

Date

1 March 2024
3 May 2024

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4 Prior to works commencing within the site (including vegetation clearance) a detailed badger mitigation strategy must be submitted to the Local Planning Authority. It must include the following:

- Updated badger survey.
- Overview of mitigation required.
- Detailed methodology to implement the mitigation.
- Scaled plans demonstrating that the mitigation can be achieved.

The mitigation must be implemented as approved.

Reason: To protect the existing populations of species and to improve protect the habitat for those species.

- 5 Prior to the commencement of the development, a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved in writing by the Local Planning Authority and no development shall commence until the measures approved in that scheme have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of contaminated land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until: The requirements of the Local Planning Authority for site investigations have been fully established, and The extent and methodology have been submitted to and agreed in writing by the Local Planning Authority. A full copy of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority without delay upon completion.
- A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme.
- A full copy of the completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control pollution of land or water in the interests of the environment and public safety.

- 6 No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction and Transport Management Plan

has been submitted to, and approved in writing by the Local Planning Authority. The Construction and Transport Management Plan shall include, but not be limited to the following:

- a) 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;
- b) Details of areas for the storage of plant and materials;
- c) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;
- d) Provision of measures to prevent the discharge of surface water onto the highway.
- e) Details of noise management and dust suppression;
- f) hours of operation; and
- e) Details of a precautionary mitigation approach with regard to any removal of hedgerows.

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.

- 7 No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water have been submitted to and approved in writing by the Local Planning Authority. The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology. The submitted system shall be designed to avoid any increase in flood risk, demonstrate that the scheme will avoid any adverse impact on water quality / controlled waters, achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010, promote biodiversity, enhance the landscape, improve public amenities, return the water to the natural drainage system as near to the source as possible and operate both during construction of the development and post-completion. The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance). The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use. If the proposed surface water discharge point is to be the existing public sewer the applicant must provide written confirmation from Southern Water of their agreement to the proposals.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Policy ENV9 of the Local Plan.

- 8 Details of the measures proposed to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and maintained thereafter in accordance with the approved details.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, and to protect highway safety.

- 9 The approved development shall be carried out in such a manner as to avoid damage to the existing trees within and adjacent to the application site, including their root systems, and other planting to be retained by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the hereby approved Tree Protection Plan (drawing number FW/TPP/2140-03-A) and Arboricultural Method Statement. The approved tree protection measures shall be implemented before commencement of any works on site and shall remain throughout the period of construction;

(b) No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;

(e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority; and

(f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy ENV1 of the Local Plan.

- 10 The visibility splays as shown on the submitted plan (NR/675/SP01 Rev Q) within which there shall be no obstruction in excess of 0.9m in height above the carriageway level within the splays, shall be provided at the access prior to the use of the site commencing and the splays shall be so maintained at all times.

Reason: In the interests of highway safety.

- 11 No development shall take place until full plan and cross-section details of land levels and proposed earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include any proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation, surrounding landforms, fences and buildings. Development shall only be carried out in accordance with the approved details.

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

- 12 Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all residential buildings. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction.

Reason: In the interests of providing good broadband connections.

- 13 Within 3 months of works commencing an ecological enhancement plan must be submitted to the LPA for written approval. It must include the following:
- Plan showing the location of habitat creation and enhancement features.
 - Details of habitats to be created/enhanced within the site.
 - Details of how the habitats will be established and managed long term.
 - Types of ecological enhancement features to be integrated in to the buildings and erected within the site.

The plan must be implemented as approved.

Reason: In the interests of the ecology of the site / surroundings and amenities of the locality.

- 14 Prior to the occupation of any dwelling on site, details of proposed external lighting within the development (including lighting attached to buildings, in the parking areas, and in the communal areas) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a lighting design strategy for not impacting on badgers and bats (in accordance with the best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night' 2) including downward facing and motion sensor lighting. All external lighting shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interests of the ecology of the site / surroundings and amenities of the locality.

- 15 Details of walls and fences to be erected within the development (including any boundary treatments) shall be submitted to and approved in writing by the Local Planning Authority before the development is first occupied. The walls and fences shall then be erected before the development is first occupied unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

- 16 No dwelling shall be occupied until space has been laid out and equipped within the site for covered bicycle storage on each dwelling plot (or communal space in the case of apartment buildings) in accordance with approved details that shall be submitted to the Local Planning Authority. Such approved covered bicycle parking shall be retained in perpetuity.

Reason: To ensure the provision and retention of adequate off-street parking and storage facilities for bicycles in the interests of highway safety and to promote cycle use in the interests of facilitating more sustainable patterns of movement related to local trips.

- 17 No dwelling 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 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 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.

- 18 None of the dwellings shall be occupied until works for the disposal of sewage have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such approved works shall be appropriately retained and maintained in perpetuity.

Reason: To avoid pollution of the surrounding area.

- 19 Full details of facilities to accommodate the storage of refuse and material for recycling for each dwelling and its collection by refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority before any dwelling hereby approved is first occupied. The approved details shall be implemented before the occupancy of dwellings to which they relate. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any other Order or any subsequent Order revoking or re enacting that Order, such approved facilities shall be retained in perpetuity and access thereto shall not be precluded.

Reason: To ensure satisfactory arrangements are put in place and retained in perpetuity for the collection and storage of refuse and recycling.

- 20 Prior to the development hereby approved first being occupied, details of the proposed traffic calming measures for the development shall be supplied to and approved in writing by the Local Planning Authority and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway safety.

- 21 The vehicle parking spaces, car ports and turning areas shown on the Proposed Site Layout (drawing number NR/675/SP01 Rev Q), shall be provided before the any of the dwellings are first 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 the reserved parking spaces and turning areas.

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

- 22 Prior to the first occupation of each new dwelling with a designated parking space provided by means of a driveway or carport, 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.

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 No dwelling shall be occupied, until it has been constructed and fitted out to ensure that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, as measured in accordance with a methodology approved by the Secretary of State, and a copy of the Notice required by the Building Regulations 2010 (as amended) confirming this, shall be submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by the Building Regulations 2010 (as amended) and increase the sustainability of the development and minimise the use of natural resources pursuant to policy ENV7 of the Ashford Local plan 2030 and guidance in the NPPF.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, the dwellings hereby approved shall only be occupied as single dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended.

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

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

Reason: In the interests of protecting the character and appearance of the locality.

- 26 Reporting of Unexpected Contamination

Part 1 - 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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2.

Part 2 - Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

27 The details submitted pursuant to Condition 1 of this permission shall show the following:

- a minimum of two buildings which are a maximum single storey height and form with no accommodation within the roof space(s).
- a minimum of four buildings which are single storey in form with any first floor accommodation contained wholly within the roof space(s).
- No more than three buildings which are a maximum two storeys in height and form with no accommodation in the roof space.

The details shall also show how each unit accords with the Council's adopted Residential Space & Layout SPD or any other standard agreed by the Local Planning Authority.

Reason: To ensure that the scale of new residential development remains appropriate for older person accommodation and in the interest of visual amenity and the residential amenity of the locality.

28 The layout details required to be submitted pursuant to Condition 1 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate firstly the provision of level thresholds to all dwellings (and/or thresholds with shallow ramps where level thresholds cannot be provided) and secondly that all dwellings would comply with Building Regulations Part M4(2) or Part M4(3) Wheelchair Adaptable or Accessible Dwellings.

No dwellings shall be occupied until they have been implemented with the approved details and subsequently signed off under Building Regulations 2015 (or any subsequent amendments).

Reason: To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

Informatives:

- 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/agent was updated of any issues after the initial site visit, and the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted.

- The applicant is reminded of the need for the development to satisfy the requirements of the Building Regulations and in respect of climate change in particular the following documents:

- Approved Document L (Conservation of fuel and power),
- Approved Document F (Ventilation),
- Approved Document O (Overheating),
- Approved Document S (Infrastructure for electric charging vehicles).

- The applicant should note that an Ashford Borough Council refuse freighter will not normally pass onto private land as part of refuse collection of waste from homes and so Council collection cannot be assumed unless an Indemnity Agreement is agreed with the Council. The applicant is invited to contact the Council's Street Scene and Open Spaces Officer within the Environmental and Contacts Department to discuss this matter further (tel: 01233 330603).

KCC Highways & Transportation Informative(s)

- Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in 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 the relevant 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. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Signed

A handwritten signature in black ink, appearing to read 'S. Cole'.

Simon Cole
Assistant Director - Planning and Development