

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

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

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 12th July 2022



ASHFORD
BOROUGH COUNCIL

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

Mr I Bull
Ian Bull Consultancy Ltd
1 Mountbatten Way
Brabourne
Ashford
Kent
TN25 6PZ

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

APPLICATION NO: 20/01600/AS
PROPOSAL: Erection of 15 dwellings together with all necessary infrastructure including access.
LOCATION: Land adjoining Four Winds, New Road, Egerton, Kent
APPLICANT: Jarvis Land Promotions Ltd Hill View House The Hill Cranbrook Kent TN17 3AD

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

Reason: In the interests of visual amenity.

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

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

- 4 The approved development shall be carried out in accordance with the approved arboricultural method statement and in such a manner as to avoid damage to the existing trees, 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 approved Tree Protection Plan and any approved Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures 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 25mm 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.
 - (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.

- 5 The area shown on the drawing number (P05 Rev E) as vehicle parking spaces, garages and turning shall be provided prior to the occupation of the dwellings to which they relate, 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

- 6 Prior to the completion of units 1-6, details shall be submitted to and approved in writing to show the secure storage for bicycles in the locations shown on approved plan number P05 Rev E . These cycle storage facilities shall be provided prior to the occupation of the dwellings to which they relate 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.

- 7 Prior to the occupation of the two dwellings hereby approved, at least one Electric Vehicle Charging point shall be provided for future occupiers. These must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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.

- 8 Written details of the finished surfacing for the internal access road, visitor parking spaces and private parking areas shall be submitted to and approved in writing by the Local Planning Authority prior to the laying of the finished surface and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

- 9 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Stantec dated June 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published

guidance):

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

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

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

- 10 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

- 11 Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 12 Prior to the commencement of the development, a construction management

plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in accordance with the approved details and the measures set out in the plan shall be in place throughout the duration of the development. The plan shall include the following information:

- Provision of construction vehicle loading/unloading and turning facilities for construction/delivery/contractor vehicles
- Provision of site personnel parking and visitors to the site
- Provision of wheel washing facilities for the duration of the construction phase.

Reason: In interests of highway safety.

- 13 Before the development is commenced the visibility splays shown on approved drawing number 48386/5501/001 G shall remain clear of obstruction over 1.05 metres in height above carriageway level and thereafter the splays shall be so maintained.

Reason: In the interests of highway safety.

- 14 Completion of the following works between a dwelling and the adopted highway prior to first occupation of any dwelling on the site:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

- 15 Prior to the first occupation of any dwelling on the site, the existing speed limit gateway sign shall be relocated as shown on approved drawing number 48386/5501/001 G.

Reason: In the interests of highway safety.

- 16 Within 3 months of works commencing details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes, hedgehog highways and native planting. The approved details will be implemented and thereafter retained.

Reason: In the interests of enhancing biodiversity in accordance with Local Plan policy ENV1.

- 17 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Thereafter, the development shall be carried out in accordance with the approved detail.

- 18 Prior to the commencement of development the applicant, or their agents or

successors in title, will secure and implement:

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

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

- 19 Prior to the first occupation of the premises/site, 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.

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,

In this instance

- the applicant/agent was updated of any issues after the initial site visit,

- was provided with pre-application advice,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- the application was approved without delay.

2 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

- 3
1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
 2. There must be no disturbance or deposits onto the surface of the right of way, or obstruction of its use, either during or following any approved development:
 3. No hedging, trees or shrubs should be planted within 1.5 metres of the edge of the Public Path.

Should the developer consider that the temporary closure of the public footpath will be necessary during the construction phase a Traffic Regulation Order should be sought from Kent County Council Public Rights of Way and Access Service. A temporary closure will be processed by Kent County Council on the basis that;

- The closure is paid for by the developer,
- The duration of the closure is kept to a minimum,
- Alternative routes will be provided for the duration of the closure,
- Six weeks notice of the requirement of a closure is given by the developer.

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

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

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 5
- Assuming that the development will not be adopted highway a full indemnity will need to be in place prior to the commencement of any collections
 - Properties will need to pull bins forward onto the adopted/indemnity covered roadway so plots like 1 - 2 will need to pull bins down their driveways to the roadway
 - The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed.

- 6 The applicant should note the following in regard to the Council's refuse collection service:

- Assuming that the development will not be adopted highway a full indemnity will need to be in place prior to the commencement of any collections
- Properties will need to pull bins forward onto the adopted/indemnity covered roadway so plots like 1 – 2 will need to pull bins down their driveways to the roadway

The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed.

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

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

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

Plans/Documents approved by this decision

247_P01 CONSTRAINTS & OPPORTUNITIES
247_P02E ILLUSTRATIVE MASTERPLAN
247_P03E LANDSCAPE PLAN
247_P04E DRAINAGE PLAN
247_P05E PARKING & REFUSE STRATEGY
247_P101C PLOT 1 & 2 ELEVATIONS
247_P102B PLOT 3 & 4 FLOOR PLANS
247_P103B PLOT 3 & 4 ELEVATIONS
247_P104C PLOT 1 & 2 FLOOR PLANS
247_P104C PLOT 5 & 6 FLOOR PLANS
247_P105C PLOT 5 & 6 ELEVATIONS
247_P106B PLOT 7 FLOOR PLANS
247_P107B PLOT 7 ELEVATIONS
247_P108B PLOT 8 FLOOR PLANS
247_P109B PLOT 8 ELEVATIONS
247_P110B PLOT 9 FLOOR PLANS
247_P111C PLOT 9 ELEVATIONS
247_P112B PLOT 10 FLOOR PLANS
247_P113B PLOT 10 ELEVATIONS
247_P114B PLOT 11 FLOOR PLANS
247_P115B PLOT 11 ELEVATIONS (1 OF 2)
247_P116B PLOT 11 ELEVATIONS (2 OF 2)
247_P117B PLOT 12 FLOOR PLANS
247_P118B PLOT 12 ELEVATIONS
247_P119B PLOT 13 FLOOR PLANS
247_P120B PLOT 13 ELEVATIONS
247_P121B PLOT 14 FLOOR PLANS
247_P122C PLOT 14 ELEVATIONS
247_P123B PLOT 15 FLOOR PLANS
247_P124B PLOT 15 ELEVATIONS
247_P200B DOUBLE GARAGE PLAN & ELEVATIONS
247_P201B DOUBLE GARAGE PLAN & ELEVATIONS
247_P202B DOUBLE GARAGE PLAN & ELEVATIONS
247_P203B DOUBLE GARAGE PLAN & ELEVATIONS
247_P204B DOUBLE GARAGE PLAN & ELEVATION

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 Planning and Development

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