

# 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 20 July 2018



ASHFORD  
BOROUGH COUNCIL

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

Milliken & Co. Chartered Surveyors  
1a The Pantiles  
London Road  
Tunbridge Wells  
TN2 5TD

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

**APPLICATION NO:** 18/00191/AS  
**PROPOSAL:** Erection of 5 dwellings, new vehicular access, hard and soft landscape works, and associated works  
**LOCATION:** Land to the rear of The Red Lion Public House, Egerton Road, Charing, Kent  
**APPLICANT:** Shepherd Neame Ltd 17 Court Street Faversham ME13 7AX

## **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 plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water, these should be based upon the principles proposed within the Surface Water Drainage Statement by RGP Design Ref: 2017/D1428/DS1.1, dated 16.01.2018 has been submitted to and approved by the Local Planning Authority this shall include:

a) a management and maintenance plan for the lifetime of the development which shall include 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

- b) Where infiltration methods are to be proposed, test results should be provided and undertaken in accordance with requirements from BRE Digest 365, with test locations identified.
- c) No drainage systems for the infiltration of surface water drainage into the ground should occur without the express written consent of the Local Planning Authority. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, groundwater, or ground stability.
- d) 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).
- e) measures to prevent the discharge of surface water onto the highway

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.

**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.

- 3 No development (including works and vegetation clearance) shall take place until a detailed ecological mitigation strategy has been submitted to approved in writing by the Local Planning Authority. The mitigation strategy shall include the following details:

- a) updated scoping survey and recommend specific species surveys (if survey data is older than 2 years old)
- b) results of completed dormouse surveys
- c) Detailed methodology to clear the vegetation to avoid impacts on dormice and breeding birds
- d) Time of year the works are to be carried out
- e) Details of who will be carrying out the works
- f) Plans showing where the mitigation planting would be located

This shall be implemented prior to the commencement of development and the mitigation planting prior to first occupation in accordance with the approved details, and shall be thereafter maintained.

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

- 4 No development shall commence until the vehicular access, gradient and accompanying visibility splays to Tile Lodge Road has been provided in accordance with approved plan Drawing No 2017/3990/001 rev C with no obstructions over 0.9 metres above carriageway level within the splays. This shall thereafter be maintained.

**Reason:** To ensure the proposal would not prejudice highway safety nor cause inconvenience to other highway users.

- 5 No development (including groundworks) and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in the positions identified with a dashed blue line on drawing no.s P310-D01 and D02 and details in the letter from ILEX Landscape Architects dated 08.12.2017.

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.

**Reason:** To protect and enhance the appearance and character of the site and locality and reduce the risk to protected and retained trees.

- 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;

The details shall be adhered to for the duration of the works.

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

- 7 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 Sunday or Bank/Public Holidays.

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

- 8 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.

- 9 Prior to the first occupation of the development hereby approved full details of hard and soft landscaping including:
- a) a schedule of tree/hedge planting and plan including species, density, height and location
  - b) plans and elevations of retaining walls;
  - c) boundary treatments; and
  - d) a bound surface for the first 5 metres of the access from the edge of the highway

shall be submitted to and approved in writing by the Local Planning Authority;

The approved soft landscaping scheme shall be provided in the first planting season following the occupation of the development or the completion of the development, whichever is the sooner and shall be thereafter maintained. If 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.

- 10 Prior to the commencement of development (excluding ground works) written details and a schedule including source/ manufacturer, and/or samples of all materials including the colour and finish of the cladding 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 During the course of development washing facilities for wheels, chassis and bodywork to be effectively cleaned and washed free of mud and similar substances shall be provided at the application site. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

**Reason:** To ensure that no mud or other material is taken from the site onto the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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.

- 13 Any external lighting shall comply with the guidance in the Bat Conservation Trust's Bats and Lighting in the UK guidance and Dark Skies SPD and shall thereafter be maintained.

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

- 14 Prior to first occupation the mitigation and enhancements measures in in section 5. 'Ecological Evaluation' of the Ecological Appraisal by Ecology Solutions Ref: 7516.EcoAs.vf dated December 2017 shall be implemented and thereafter maintained.

**Reason:** To enhance the biodiversity of the site.

- 15 Prior to first occupation, the car barns, vehicle parking spaces, turning areas and secure and covered cycle storage shown on the drawing number 738:P09 rev B shall be provided 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 the reserved parking space. Those areas shall thereafter be so retained and maintained.

**Reason:** To ensure parking provision is maintained and prevent any obstructive parking.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no gates, walls, fences or other means of enclosure as defined by Section 336 of the Town and Country Planning Act 1990 shall be erected without prior approval of the Local Planning Authority.

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

- 17 All vents flues and grilles shall have a black powder coated finish.

**Reason:** To ensure a satisfactory appearance upon completion of the development.

- 18 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.

- 19 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 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.

### Working with the Applicant

In accordance with paragraphs 186 and 187 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,
- was provided with pre-application advice,
- The applicant submitted amended plans to respond to concerns raised by the Parish Council

Plans/Documents approved by this decision

<u>Date received</u>	<u>Plan</u>	<u>Drawing no.</u>
Mon 5 Feb 2018	Location plan	738:P01
Fri 27 Apr 2018	Proposed site plan	738:P02 REV A
Fri 27 Apr 2018	Proposed site sections	738:P03 REV A
Fri 27 Apr 2018	Proposed floor plans & elevations units 1 & 2	738:P04 REV B
Fri 27 Apr 2018	Proposed floor plans & elevations unit 3	738:P05 REV A
Mon 14 May 2018	Unit 4 proposed floor plans and elevations	738:P06 A
Mon 14 May 2018	Unit 5 proposed floor plans and elevations	738:P07 C
Mon 5 Feb 2018	Unit 3 garage proposed floor plans and elevations	738:P08
Mon 14 May 2018	Space standards schedule	738:P10
Tue 3 Jul 2018	Analytical site plan	738-P09B
Mon 5 Feb 2018	Tree survey	P310-D01
Mon 5 Feb 2018	Tree survey	P310-D02
Tue 3 Jul 2018	Proposed access arrangement	2017-3990-001 REV C

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.*