

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 29 March 2018



ASHFORD
BOROUGH COUNCIL

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

Mr S Milliken
Milliken & Co. Chartered Surveyors
1A The Pantiles
London Road
Tunbridge Wells
Kent
TN2 5TD

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

APPLICATION NO: 17/01443/AS
PROPOSAL: Erection of a pair of 3 bedroom semi-detached houses, and one three bedroom detached house with associated car parking, hard and soft landscaping, and other associated works.
LOCATION: The Wheel Inn, The Street, Westwell, Ashford, Kent, TN25 4LQ
APPLICANT: Shepherd Neame Ltd c/o Milliken & Company Surveyors 1a The Pantiles Tunbridge Wells Kent TN2 5TD

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 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.

- 3 No development above foundation level shall be carried out on the land until

samples and written details including source/manufacturer of the materials to be used in the construction of the external surfaces of the development (including details and samples of any hardsurfacing) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved external materials.

Reason: In the interests of visual amenity.

4 Before any works above foundation level are carried out the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) Details and location of rainwater goods;

b) Details of electricity and gas meter boxes and any external pipe work including their location on the buildings;

c) Details and sections through eaves, porches/entrance canopies, chimneys; and

d) Details of all windows including recess depth of glazing.

Reason: In the interests of visual amenity.

5 No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

6 Before any development above foundation level, details of the design of boundary treatments to include gates, boundary walls and fences to all front, side and rear boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided prior to the first occupation of any part of the approved development in strict accordance with the approved details. Thereafter these approved boundaries shall be retained and maintained.

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

7 A landscaping/tree planting 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 before any development above foundation level. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

8 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first

occupation of the buildings for their permitted use.

- a. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned, thinned or reduced other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority.
- b. If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- c. All retained trees and retained habitats shall be protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations). Such protection measures shall remain throughout the period of demolition and construction.
- d. (No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- e. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- f. 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;
- g. 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.
- h. 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: In order to protect and enhance the appearance and character of the site and locality.

- 9 The access/driveway/parking adjacent to trees protected by Tree Preservation Order No. 3 of 2001 shall be constructed to a no dig design following the recommendations in BS 5837:2012 (Trees in relation to design, demolition and construction – recommendations) and APN 12 – Through the trees to Development (Arboricultural Advisory and Information Service).

No work on site shall begin until the design has been submitted to and approved in writing by the Local Planning Authority. The construction of the access/driveway/parking shall then only be carried out in accordance with the

approved specification unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: To prevent damage to the roots of protected trees in the interest of visual amenity.

- 10 No construction activities shall take place, other than between 0730 to 1800 hours (Monday to Friday) and 0730 to 1300 hours (Saturday) with no working activities on Sunday Bank or Public Holidays.

Reason: To protect the amenity of local residents in accordance with Policy CS1 of the Local Development Framework Core Strategy.

- 11 No development including any works of demolition or preparation works prior to building operations shall take place on site until a Construction Management Plan incorporating the following details has been submitted to, and approved in writing by the Local Planning Authority.

- 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 including HGV's;
- b) Routing of construction and delivery vehicles to / from site;
- c) Timing of deliveries;
- d) Temporary traffic management / signage;
- e) Details of areas for the storage of plant and materials;
- f) Details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances;

The approved Management 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.

- 12 The vehicle parking spaces shall be provided in accordance with details approved on drawing numbers 2017/3936/001 Rev C and 734:P01 Rev D before any dwelling is occupied, and shall be retained for the use of the occupiers of, and visitors to, the development. 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 facilities.

Reason: To ensure adequate provision for vehicle parking in order to prevent the displacement of car parking, in the interest of highway safety, and in the interest of visual amenity.

- 13 The access and visibility splays identified on drawing number 2017/3936/001 Rev C shall be provided prior to the commencement of the development. The

access and visibility splays shall be retained and maintained thereafter and the area within the visibility splay shall be permanently maintained with no obstructions over 0.9 metres above carriageway level within these splays.

Reason: In the interest of highway safety.

- 14 The access and on street car parking spaces hereby permitted and identified on drawing number 2017/3936/001 Rev C shown on the approved plans shall be completed prior to the use of the site being commenced and the access and on street car parking shall thereafter be maintained.

Reason: In the interests of highway safety.

- 15 The first 5 metres of the access from the edge of the highway shall be surfaced in a bound material.

Reason: To prevent the deposit of loose material onto the highway in the interest of highway safety.

- 16 The external plant (extraction, condenser units etc.) provided at the Wheel Public House shall not exceed the noise criteria as proposed in the Hann Tucker Associates Acoustic Report (24748/NIA1-Rev2) dated 18 January 2018.

Reason: To protect amenity of residential premises in the locality of the public house.

- 17 Prior to the first occupation of any of the dwellings hereby permitted, details of the kitchen extraction plant relating to The Wheel Inn, shall be submitted to and approved in writing by the Local Planning Authority. The kitchen extraction plant shall be designed in order to minimise odour effects at nearby residential premises and, where required, fitted with suitable odour mitigation to prevent a nuisance from occurring. The system shall be provided prior to the first occupation of any of the dwellings hereby permitted, and maintained in accordance with the approved details and the manufacturer's instructions and/or relevant industry standards.

Reason: To protect amenity of residential premises in the locality of the public house.

- 18 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 in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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. (LDF Core Strategy Policy CS1 and CS4)

- 19 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

- 20 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, based on the principles outlined in the Drainage Impact and Flood Risk Assessment, Tridax, October 2017 has been submitted to and approved in writing by the Local Planning Authority.
- The system must demonstrate that the surface water generated by this development can be accommodated and disposed of without an increase in on, or off-site flood risk (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm).
 - 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.
 - No infiltration of surface water into the ground should occur without the express written consent of Ashford Borough Council. It must be demonstrated that there is no resultant unacceptable risk to controlled waters, groundwater or groundwater stability.
 - The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system, arrangements for adoption by any public body or statutory undertaker, a management and maintenance plan for the lifetime of the development (in particular the type and frequency of maintenance and responsibility for maintenance) or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The system shall be provided in accordance with the agreed timetable and retained and maintained in working order in accordance with the approved details until such time as the development ceases to be in use.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

- 21 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 dwellinghouses 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.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A-F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

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

- 23 No development shall take place above foundation level until details for the storage and screening of refuse have been submitted to and approved in writing by the Local Planning Authority. The approved storage and screening shall be completed before any dwelling is occupied and shall thereafter be retained and maintained.

Reason: To ensure the provision and retention of adequate storage for refuse in the interests of visual amenity.

- 24 No development shall take place above foundation level until details of bicycle storage facilities showing a covered and secure space have been submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed before any dwelling is occupied and shall thereafter be retained and maintained.

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

- 25 No development shall take place until details of measures to prevent the discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.

Reason: So the Local Planning Authority can be satisfied as to the details of the proposal.

- 26 Prior to the commencement of the development, details of how the development will enhance biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be provided in accordance with the approved details prior to the first occupation of the dwelling and maintained thereafter.

Reason: In the interest of biodiversity.

- 27 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 The applicants attention is drawn to comments received from Southern Water, which amongst other things state the following:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk It should be noted that Southern Water is currently consulting on the New connections charging process as directed by Ofwat. Please refer to Southern Water's website <https://www.southernwater.co.uk/new-connections-charging-consultation> for further details.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 2 Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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>

- 3 The applicant is advised that the applicant's ecologist should be involved in designing any lighting scheme to minimise impact on the site boundaries in the interest of foraging/commuting bats.
- 4 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. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub 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.

5 **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 was provided the opportunity to submit amendments to the scheme/ address issues.

Plans/Documents approved by this decision

734:P01 Revision D Proposed Site Plan and Site Sections
734:P02 Revision A Proposed Floor Plans and Elevations
2017/3936/001 Revision C Proposed Access Arrangement
P305/D03 Tree Information by ILEX Landscape Architects
Statement dated 23 January 2018 ILEX Landscape Architects

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.

A handwritten signature in black ink, appearing to read "IFS Kavelk.", is positioned above the typed name.

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.