

# 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

24 June 2021



ASHFORD  
BOROUGH COUNCIL

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

Mr Tamsett  
Architectural Designs  
76 Ufton Lane  
Sittingbourne  
Kent  
ME10 1EX

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

**APPLICATION NO:** 20/01786/AS

**PROPOSAL:** Conversion of existing Old Alma with side and rear extensions to accommodate 4 No. 1-bedroom flats, demolition of existing outbuildings, erection of 2 No. 2-bedroom flats with associated hardstanding.

**LOCATION:** The Old Alma, Canterbury Road, Chilham, Canterbury, Kent, CT4 8DX

**APPLICANT:** Mr McNamara Alma Inn Canterbury Road Chilham Kent CT4 8DX

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**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 The area shown on the drawing number 20/2354A as vehicle parking spaces and turning shall be provided before the use is commenced or the premises 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 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

- 4 The approved bicycle storage facilities shown on approved drawing number 20/2354A shall be completed prior to occupation of the first dwelling on the site 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.

- 5 Before the development is commenced the visibility splays shown on drawing number 20/2358A shall be provided and shall be cleared of all obstruction in excess of 1.05 metres above carriageway and thereafter the strip shall be so maintained.

**Reason:** In the interests of highway safety.

- 6 The parking area shown on drawing number 20/2354A shall be of a bound material.

**Reason:** In the interests of highway safety.

- 7 Prior to works commencing on site a Construction Management Plan shall be submitted to and improved in writing by the Local Planning Authority. This shall include the following:

- (a) Parking and turning areas for construction and delivery vehicles and site personnel
- (b) Timing of deliveries
- (c) Provision of wheel washing facilities
- (d) Temporary traffic management / signage

Thereafter, the development shall be carried out in accordance with the CMP prior to the development commencing on site, including site clearance, and retained for the duration of the development.

**Reason:** To prevent harm to highway safety.

- 8 Prior to the commencement of development, measures to prevent the discharge of surface water onto the highway shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details shall be carried out in full prior to the occupation of any of the dwellings hereby approved.

**Reason:** In the interests of highway safety.

- 9 Provision and permanent retention of the Electric Vehicle Charging facilities shown on the submitted plans 20/0354A prior to the use of the site commencing. All Electric Vehicle chargers provided for homeowners in residential developments 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.

- 10 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a phased programme of archaeological building recording in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

**Reason:** To ensure that historic building features are properly examined and recorded.

- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- 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. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording 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 and that due regard is had to the preservation in situ of important archaeological remains.

- 12 Before the occupation of the first dwelling the ecological enhancement measures outlined in the submitted Preliminary Ecological Appraisal dated 21st May 2020 shall be implemented in accordance with the approved details.

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

- 13 All site clearance and construction works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal dated 21st May 2020.

**Reason:** To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

- 14 The development shall be fully carried out in accordance with the approved landscaping scheme shown on drawing number 20/2354A 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.

- 15 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.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development shall be carried out within Classes A, AA, B, or E; 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

- 17 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.

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

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

### Notes to Applicant

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



## 1 Working with the Applicant

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

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

In this instance .....

- the applicant/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 applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was approved without delay.

2 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>

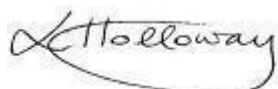
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

3 The applicants attention is drawn to the provision of Wildlife and Countryside Act 1981.

Plans/Documents approved by this decision

20/2354A PROPOSED LAYOUT - received 26/01/2021  
20/2358A PROPOSED VISIBILITY SPLAYS - received 26/01/2021  
20/2351 LOCATION PLAN - received 18/12/2020  
20/2355 ELEVATIONS - received 18/12/2020  
20/2356 ELEVATIONS - received 18/12/2020  
20/2357 SITE CROSS SECTIONS - received 18/12/2020  
20/2359 OUTLINE DRAINAGE LAYOUT - received 18/12/2020  
KB ECOLOGY PRELIMINARY ECOLOGICAL APPRAISAL - received  
18/12/2020

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.



Development Management Manager

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