

# 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

06 March 2019



ASHFORD  
BOROUGH COUNCIL

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

Mr J Lee  
Hobbs Parker Property Consultants LLP  
Romney House  
Monument Way  
Orbital Park  
Ashford, Kent  
TN24 0HB

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

**APPLICATION NO:** 18/01247/AS

**PROPOSAL:** Outline application for the erection of five residential dwellings, with demolition of existing agricultural buildings with all matters reserved other than access from Hornash Lane

**LOCATION:** Elite, Hornash Lane, Shadoxhurst, Ashford, Kent, TN26 1HU

**APPLICANT:** SE & LS Ransley

**DECISION:** PLANNING PERMISSION IS GRANTED in accordance with the application and plans

Subject to the following conditions:

- 1 Approval of the details of the layout, access (internal routes), scale, landscaping and appearance (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 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 (A) 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.  
  
(B) 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 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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 Visibility splays shown on approved drawing number 759/203 shall be provided and maintained with no obstruction in excess of 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

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

- 4 Prior to the commencement of any development on the site, a Construction Management Plan shall be submitted to and approved in writing to include the following:

- (a) Parking for site personnel
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Provision of wheel washing facilities

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 5 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 or Bank Holiday.

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

- 6 The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development and in accordance with policy TRA3a and the guidance contained within the Council's adopted Residential Parking and Design guidance SPD in respect of design and layout. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting that Order), shall be carried out on the land so shown as to preclude vehicular access to this reserved parking area

**Reason:** Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenience to other road users, be detrimental to amenity and in order to compensate for the loss of existing on-road parking.

- 7 No development shall take place above foundation level until details of bicycle storage facilities showing a covered and secure space have been submitted to

an 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.

- 8 Prior to the commencement of the development details of drainage works, designed in accordance with the principles of sustainable urban drainage, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out and maintained in accordance with these details.

**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.

- 9 Prior to the commencement of development (including site clearance), the reptiles within the application site shall be captured and relocated to the identified receptor site as shown the approved in Reptile Report (KB Ecology, Aug18) and in accordance with good practice guidelines. The details shall be submitted to, and approved in writing by the Local Planning Authority. The receptor site shall be prepared and managed appropriately for the translocated reptiles, and thereafter retained.

**Reason:** To protect the reptiles on site.

- 10 No development shall take place above foundation level until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or have any impact on the adjacent woodland.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**Reason:** to protect bats and the adjacent woodland was any negative impacts associated with an increase in lighting.

- 11 Prior to the completion of the development hereby approved, details of a scheme for the enhancements of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the final dwelling of each phase identified in the approved scheme and thereafter maintained.

**Reason:** to enhance biodiversity in line with local and national planning policy.

- 12 The development shall be carried out in accordance with the details of precautionary mitigation contained within the PRELIMINARY ECOLOGICAL APPRAISAL (received 20/08/2018), unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of protected biodiversity.

- 13 The approved development shall be carried out 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.

- 14 Details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences above foundation level. The walls and fences shall then be erected before the adjoining part of the development or dwelling is occupied in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

- 15 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

- 16 No development shall take place above foundation level until details for the storage and screening of refuse have been submitted to an 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.

- 17 The details submitted in pursuance of condition 1 shall show accommodation that complies with the Nationally Described Space Standards and policy HOU12 and external private space that complies with the policy HOU15.

**Reason:** In the interest of the amenity of future occupiers.

- 18 Prior to the first occupation of any of the dwellings hereby approved, the existing buildings and hardstanding within the site boundary shown on the site location plan and drawing number 217/38/02A (Existing Site Layout - received 20/08/2018) together with any associated materials, fixtures, fittings and hard standing that is not able to be reused, shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of visual amenity.

- 19 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.

- 20 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.

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

- 22 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.

- 23 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.

- 2 Planning permission does not convey any approval for construction of therequired 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](http://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/highw>

ay-boundary-enquiries

- 3 any connection to (or works undertaken within) an ordinary watercourse shall require consent from the local internal drainage board (River Stour Internal Drainage Board). This process sits outside the planning process but is required under the Land Drainage Act (1991).

Plans/Documents approved by this decision

Drawing Numbers:

Site Location Plan - received 20/08/2018

217/38/02A - Existing Site Layout - received 20/08/2018

759/203 - VISIBILITY SPLAYS - received 20/08/2018

Supporting Documents:

ARBORICULTURAL REPORT - 20/08/2018

BAT SURVEY - 20/08/2018

PRELIMINARY ECOLOGICAL APPRAISAL - received 20/08/2018

REPTILE SURVEY REPORT - received 20/08/2018

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.*