

Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **22nd February 2012**

Present:

Cllr. Bell (Chairman);

Cllr. Wedgbury (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Burgess, Clark, Clarkson, Clokie, Davidson, Davison, Heyes, Mrs Heyes, Michael, Robey.

In accordance with Procedure Rule 1.2 (iii) Councillor Mrs Bell attended as a Substitute Member for Councillor Mrs Dyer.

Apologies:

Cllrs. Mrs Dyer, Wood.

Also Present:

Cllrs. Hicks, Mortimer, Shorter, Smith, Wright.

Development Control Manager, Strategic Sites and Design Manager, Development Planning Manager (Kent Highway Services), Principal Solicitor (Strategic Development), Member Services and Scrutiny Support Officer.

342 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS
Bell	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS
Bennett	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 – 11/00229/AS
Burgess	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS

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Councillor	Interest	Minute No.
Burgess	Spoke on the application as Ward Member and withdrew from the discussion and vote.	345 - 11/00229/AS
Clarkson	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS
Clokie	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS
Michael	Code of Conduct – Personal but not Prejudicial – Member of the Weald of Kent Protection Society.	345 - 11/00229/AS
Shorter	Code of Conduct – Personal but not Prejudicial – Chairman of Kingsnorth Parish Council.	345 - 10/01711/AS 11/01116/AS 11/01206/AS 11/01226/AS
Wedgbury	Code of Conduct – Personal but not Prejudicial – Member of Kingsnorth Parish Council.	345 - 10/01711/AS 11/01116/AS 11/01206/AS 11/01226/AS

343 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 18th January 2012 be approved and confirmed as a correct record.

344 Article 4 Direction: Houses in Multiple Occupation (HMOs)

The Development Control Manager advised the Committee that he had made this Article 4 Direction under his delegated authority to make Article 4 Directions but in light of the consultation responses and to ensure that the decision to confirm the Direction was taken openly and transparently, he requested that the Planning Committee confirmed this Article 4 Direction to remove the permitted development rights for HMOs in Beaver, South Willesborough, Little Burton Farm and Aylesford Green Wards.

The Ward Member for South Willesborough attended and spoke in support of confirming the Article 4 Direction.

Resolved:

That the Planning Committee confirm the making of an Article 4 Direction to removed permitted development rights in Beaver, South Willesborough, Little Burton Farm, and Aylesford Green Wards, for change of use from Class C3 to Class C4 of the Town and Country Planning Use Classes Order 1987 as amended, the Direction to come into effect on 1st December 2012, and the area covered by the Direction to be as shown in the maps in Annex 1 to the Report.

The Planning Committee also requested that the Planning and Development Unit keep the situation under constant review and make Article 4 Directions in other Wards in the Borough should the need arise.

345 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The indication of the Parish Council's/Town Council's views**
- (c) The views of Statutory Consultees and Amenity Societies (abbreviation for consultee/society stated)**

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

decisions be made in respect of Planning Applications as follows: -

Application Number	10/01711/AS		
Location	Site comprising land south and land east of land Parcel 27 Park Farm, Hamstreet Bypass, Kingsnorth, Kent		
Grid Reference	01838/38873		
Parish Council	Kingsnorth		
Ward	Park Farm South and Weald East		
Application Description	The construction of approximately 780 new houses including up to 60 buildings designed to be capable of accommodating A1, A2, B1 or C3 uses; the construction of a new rail halt on the Ashford to Hastings railway line, together with associated car parking; the construction of a pub restaurant and associated car parking; the provision of public open space, play areas and associated facilities; the construction of a new roundabout and access on the A2070; the construction of new drainage, roads, footpaths and cycle-ways and associated highway improvements; the provision of structural landscaping.		
Applicant	Persimmon Homes South East and Taylor Wimpey South East		
Agent	Miss Lucy Stone, Barton Willmore LLP, The Observatory, South Fleet Road, Ebbsfleet, Dartford, Kent, UK, DA10 0DF		
Site Area	113.5ha		
(a) 393/ 1 X 1R	(b) X	(c)	Mersham & Sevington PC X, KCC (DCU) X, KHS X, HA X, SW X, PO (Drainage) X, EA X, NE X,
<u>2nd consultation</u> 1 / -	<u>2nd consultation</u> X		<u>2nd consultation</u> Mersham & Sevington PC X, SW X, HM X, EA X, KCC (DCU) X, KWT +, NE X,

The Member Services and Scrutiny Support Officer made the following statement:

'I would like to make Members aware that I have a close personal relationship with a resident of Park Farm East whose property is not directly affected by this application. I have sought legal advice on this matter and will remain in the room noting the discussion as usual.'

The Strategic Sites and Design Manager advised that procedures relating to the advertisement of environmental impact assessment of this application had not been followed correctly and as such the recommendation was to grant delegated authority to the Strategic Sites and Design Manager to determine the application once the correct procedures had been followed. She also drew Members' attention to the Update Report. There were several points to take note of, including:

- Comments had been received from the Ward Member for Weald East, these were read out in full to the Committee.
- Two letters had been received from the Development Consortium responding to a number of points in the report.

Resolved:

- (A) That the Planning Committee grant delegated authority to the Strategic Sites and Design Manager or the Development Control Manager to determine application ref. 10/01711/AS.**
- (B) In the event of a decision to approve the application, this shall be subject to:-**
- (i) The applicant first paying the remainder of the outstanding Accommodation Bridge Works sum; and**
 - (ii) The applicant first confirming in writing to the Strategic Sites and Design Manager an acceptable proposal (including timescale) in relation to the removal of the mounded soil /top soil on the eastern edge of Park Farm East; and**
 - (iii) The applicant first confirming in writing to the Strategic Sites and Design Manager the timescale for delivery of the Local Park at Park Farm East to a condition available to members of the public to use and the applicant providing copies of all correspondence since December 2005 with the rail authorities and train operating company in respect of the proposed rail halt at Park Farm East located on the Ashford-Hastings line; and**
 - (iv) The applicant first confirming in writing to the Strategic Sites and Design Manager an agreement to seek reserved matters approval as part of the first reserved matters application to be made under the new outline planning permission for, and proceed with the construction of the southern and northern link roads between**

Park Farm East and Cheesemans Green to a previously agreed timetable for each aspect; and

(v) such planning obligations as the Strategic Sites and Design Manager or the Development Control Manager see fit and in terms agreeable to the Head of Legal and Democratic Services; and

(vi) such conditions and notes as the Strategic Sites and Design Manager or the Development Control Manager consider necessary or appropriate;

(C) That the Planning Committee recommends the planning obligations and the conditions and notes below be imposed, together with any further or amended obligations and/or conditions that flow from any further consultation responses as the Strategic Sites and Design Manager or the Development Control Manager see fit, and the following reasons for approval:

1. Completion of the previously permitted development and implemented development would be in accordance with the Development Plan and adopted Supplementary Planning Guidance.
2. The development incorporates the provision of affordable housing and mixed-use units.
3. The scale, location and design of the development remainder would respect the context of the site and have no greater landscape character impact than originally envisaged.
4. The traffic movements generated by the development could be accommodated without detriment to highway safety.
5. The development makes provision for access by a range of transport modes, including the appropriate safeguarding of land.
6. The development would not harm highway safety.
7. Adequate provision for the parking of vehicles can be made within the application site.
8. Environmental impacts have been assessed and there are none which are potentially significant which cannot be controlled by conditions or covered by legal agreement.
9. Issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

(a) a Section 106 Agreement as appropriate in respect of (i) carrying forward existing/on-going/outstanding planning obligations within the

agreement relating to outline planning permission 01/01155/AS and (ii) in relation to the following

- i **Delivery of the Park Farm East Local Park available for use by members of the public including financial penalties for late delivery outside of an agreed timescale**
- ii **Review mechanism for the South Willlesborough Dykes Management Plan**
- iii **Amendments as necessary in relation to the delivery of the Sports Area**
- iv **Amendments as necessary in relation to the delivery of link roads between Park Farm East & the Cheesemans Green development site**
- v **Updated KCC developer contributions as per letter dated 08/03/2011 from Mouchel on behalf of KCC**
- vi **Carbon off-setting contributions pursuant to Policy CS10 (C) of the Council's adopted Core Strategy**
- vii **Submission of a scheme for the delivery of the rail halt and implementation thereof**
- viii **All financial contributions to be index linked from the date of calculation in line with the relevant indexes**
- ix **Monitoring fee of £5000 per annum**

as detailed in Table 1, in terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

Table 1

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
1	Subject to the matters listed in this table at 2 onwards and any necessary variations arising there from, all heads in the existing s.106 agreement dated 22/12/2005 relating to outline planning permission	As per the existing s.106 agreement unless the matters listed in this Table at 2	As per the existing s.106 agreement unless the matters listed in this Table at 2 onwards necessitate variation

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	01/01155/AS to be otherwise carried forward	onwards necessitate variation	
2	Delivery of the Local Park at Park Farm East	The Local Park approved under reference 10/01725/AS	In the light of the existing breach of the s.106 agreement, a revised timetable for delivery to be agreed with a financial penalty to be agreed for delivery outside of that timescale
3	Review of the South Willesborough Dykes Management Plan (SWDMP)	As per the existing s.106 agreement	Formal mechanism for review to now be agreed
4	The Sports Area at Park Farm East to be updated to include a mechanism for the delivery of facilities to be carried out by the Council subject to agreement.	The area identified in the existing s.106 agreement	A revised timetable for delivery to be agreed
5	Delivery of the southern and northern link roads between Park Farm East and the Cheeseman's Green development site.	Submit reserved matters for the link roads as part of the first reserved matters application to be made for dwellings. Construct both link roads to a previously agreed timetable for	As a breach of the existing S.106 agreement has occurred, in respect of the delivery of the southern link road, construction to be to an agreed timescale with provisions for financial penalties for breach. In respect of the northern link road, timescale to be as per the existing S.106 agreement unless otherwise agreed.

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
		each aspect, and to an adoptable standard, and seek adoption by the Local Highway Authority.	
6	Updates to KCC developer contribution requests	As per the updated amounts now requested by Mouchel on behalf of KCC per dwelling/ per qualifying dwelling.	Unless any variation is agreed, the triggers to remain as per the existing S.106 agreement. For new contributions, triggers to be in line with "KCC Guide to Development Contributions and the Provision of Community Infrastructure" unless otherwise agreed.
7	Carbon off-setting contribution Contributions to the Ashford Carbon Fund based on the residual carbon emissions of the development as set out in the approved post construction assessment and quantified over 10 years	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD (and Interim Review 2011)	Payable within 15 days of the Council's approval of the post construction assessment
8	Monitoring fee	£5000 per annum until the development is completed	First payment upon completion of the S.106 agreement and then payable on the anniversary thereof in subsequent years

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
9	<p>Rail Halt</p> <p>Submission and approval of a scheme for the delivery of the rail halt at Park Farm East. The scheme shall provide for the developer to pay the cost of either KCC, ABC or the parish council engaging consultants to promote the provision of the rail halt with the relevant authorities and to obtain all necessary consents and agreements. The scheme shall provide further for the developer to assist with the negotiation of all necessary consents (including reserved matters approval) and agreements for the construction and operation of the rail halt and to enter into the same at no cost.</p> <p>To safeguard the rail halt land and to construct the rail halt thereon in accordance with approved details and all consents and agreements and to transfer the land to the relevant authority thereafter.</p> <p>In the event that the rail halt is not constructed to pay a sum in lieu for alternative public transport measures. Should the developers still be owed any refund from the SATS fund, that refund to be set off against the sum by way of loan and only the balance (if any) to be paid to KCC. That loan to be subsequently repaid from the SATS fund to the County Council.</p>	<p>Sum for engaging consultants to be approved by ABC as part of the scheme</p> <p>Sum in lieu £1,200,000 (index linked from December 2004)</p>	<p>Scheme to be submitted within 4 months of the date of the permission. No further dwellings to be constructed unless the scheme has been approved within 6 months of the date of the permission.</p> <p>Payment for consultants to be made before the issue of the first reserved matters approval.</p> <p>Construction of the rail halt when all necessary consents and agreements have been obtained.</p> <p>Payment of the sum in lieu upon demand</p>

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
All contributions to be index linked (normally from the date of the original calculation) in order to ensure the value is not reduced over time. The costs , expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.		

(b) Grant outline planning permission

Subject to the following conditions and notes:

1. The development hereby permitted shall be first begun through the implementation of one or more approvals of reserved matters within two years of the date of this permission and any subsequent approvals of reserved matters shall be begun either not later than the expiration of five years from the date of this permission or before the expiration of two years from the date of the relevant approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved, whichever is the later date. Application for any approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Article 4 of the Town & Country Planning (Development Management Procedure)(England) Order 2010 and Section 92 of the Town & Country Planning Act 1990 (as amended) and to give effect to the policies contained in SPG6.

2. No development shall take place on any particular phase until detailed plans and information regarding the following aspects of the proposed development (herein after called "the Reserved Matters") have been submitted to and approved by the Local Planning Authority in writing for that phase on applications made for that purpose and the development shall be carried out in accordance with the approvals.
 - a) The siting of all buildings;
 - b) The layout, position and widths of all proposed roads and footpaths and the means of connection to the existing highway network;
 - c) The design of all buildings including the colour and texture of facing and roofing materials;
 - d) The layout and design of foul sewers and surface water drains including any ditches, swales or other device for the handling of surface water;

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- e) The provision to be made for the parking, turning, loading and unloading of vehicles including appropriate tracking details of large vehicles;
 - f) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure;
 - g) The finished levels, above Ordnance Datum, of the ground floor of all proposed buildings and any hard (non-porous) surfaces, and the relationship of those levels to existing ground levels and to the comparable levels of any existing buildings adjoining the proposed development;
 - h) Accurate plans showing the position, species, spread and condition of all existing trees on the site, including those to be felled or uprooted and details of any tree surgery to be undertaken;
 - i) A landscape planting scheme, including existing hedges and shrubs proposed for retention and areas of hard-surfacing together with the finished levels in relation to existing levels;
 - j) The manner of treatment of any watercourses or ditches;
 - k) A plan showing the individual areas within the development.
 - (l) Details of on-plot refuse and recycling storage serving dwelling houses and flats

Reason: To comply with the provisions of Article 4 of the Town & Country Planning (Development Management Procedure) Order 2010, Section 92 of the Town & Country Planning Act 1990 (as amended); to allow the proper consideration of the impact of the proposed development on the amenity value of the existing site; in the interests of tree preservation, amenity and to protect and enhance the amenity of the area, and to allow the consideration of the proposals in the context of the Residential Space and Layout SPD.

3. Prior to the commencement of any development on the site a phased programme of works for the whole development identifying the remaining phases of development and their sequence of implementation shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development, a programme and plan identifying the sequence of implementation of remaining development at Park Farm South and Park Farm East as the case may be, showing all areas to be developed or left undeveloped, and related footpath links and highway accesses, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper planning of the development.

4. No development shall take place at Park Farm South or Park Farm East respectively until the applicant, or their agents or successors in title, has

secured the implementation of archaeological field evaluation works for that area in accordance with a specification and written timetable which has previously been submitted to and approved by the Local Planning Authority, and following on from the evaluation has secured the implementation of:

- i) Any safeguarding measures, identified in the evaluation as necessary, to ensure preservation in situ of important archaeological remains and/or
- ii) Further archaeological investigation and recording in accordance with a timetable which has previously been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

5. The development hereby approved shall not begin until a scheme for protecting the proposed dwellings/development from noise from the A2070 and the Ashford/Hastings railway line has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of any noise fence and details of any proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding land form. All works which form part of the approved scheme shall be completed before the part of the development which the scheme protects is first occupied and thereafter shall be maintained and retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

6. None of the dwellings in any particular phase shall be occupied until works for the disposal of sewage have been provided on the site to serve that part of the development in which the dwellings are situated, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor, and thereafter the interceptor(s) shall be retained and maintained.

Reason: To prevent pollution of the water environment.

8. Before the first occupation of each dwelling, the following works between that dwelling and the adopted highway shall be completed as follows:

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- (a) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (b) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - 1. highway drainage, including off-site works,
 - 2. junction visibility splays,
 - 3. street lighting, street nameplates and highway structures if any;

and the final wearing course shall be applied within 12 months of the occupation of the dwelling unless previously agreed with the Local Planning Authority in writing.

Reason: In the interests of highway safety.

- 9. 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 commencement of development on the site.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (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) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area required to be fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

- 10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All 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 hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the

opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

11. No trenches for underground services or foundations shall be commenced under the canopies of trees which are identified on the approved plans as being retained or within 5 metres of any hedgerows also shown to be retained without the prior consent of the Local Planning Authority in writing.

Reason: To prevent damage to trees and hedgerows on the site.

12. Unless otherwise agreed in writing by the Local Planning Authority, all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development to which they relate or in accordance with the programme previously agreed with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

13. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the first occupation on any particular development site or phase of the development authorised by this permission, whichever is appropriate, for its permitted use. The landscape management plan shall be carried out as approved in the next planting season following first occupation unless otherwise agreed in writing by the Local Planning Authority..

Reason: To ensure the new landscaped areas are properly maintained in the interest of the amenity of the area.

14. The development shall be carried out in accordance with the details of earthworks for each part of the development (i.e. Park Farm South or Park Farm East) previously approved in writing by the Local Planning Authority pursuant to condition 14 of outline planning permission 01/01155/AS.

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

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15. Unless otherwise approved by the Local Planning Authority underground ducts shall be installed before any of the buildings hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

16. Details of motor vehicle parking facilities for that phase to the standards set out in the Residential Parking and Design SPD or such other standards as may be agreed by the local planning authority shall be submitted to and approved by the Local Planning Authority at the same time as the details submitted pursuant to Condition 1 for each phase of the development and the facilities shall be provided prior to the development to which they relate being occupied or brought into use and thereafter the facilities shall be retained for ancillary parking use and access thereto shall not be precluded. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any other Order or any subsequent Order revoking or re-enacting that Order, any car barns provided in accordance with the details submitted and approved in accordance with Condition 1 shall not be further altered through the addition of further doors without the prior permission of the Local Planning Authority in writing.

Reason: To ensure that the covered space is retained available for the storage of a vehicle when not in use in order to prevent the displacement of car parking and subsequent inappropriate car parking. To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety.

17. Prior to the work commencing for each phase of the development on site, details of parking for site personnel for that phase shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved parking shall be provided and retained throughout the construction of that phase of the development. The approved parking shall be provided prior to the commencement of that phase of the development and retained available and in a condition appropriate to facilitate its use by contractors.

Reason: To ensure provision of adequate off-street parking for the vehicles of site personnel in the interests of highway safety and to protect the amenity of local residents.

18. (A) No further development shall be commenced at Park Farm East until a scheme for the provision and implementation of a surface water regulation system for Park Farm East has been approved and implemented. The scheme shall include a maintenance programme for the facility, establish future ownership and once implemented the scheme shall be retained and maintained as an effective system.
- (B) No further development shall be commenced at Park Farm East until details of a flow control device to restrict surface runoff from the development as a whole to no more than 104 litres per second, has been submitted to and approved in writing by the local planning authority (following prior consultation with the Environment Agency). The submitted design shall allow for safe and easy access by maintenance staff. The approved design shall be installed at the agreed location in accordance with the approved details unless the Local Planning Authority agrees in writing to any variation of these details.

Reason: To prevent worsening of flood conditions downstream from the site in accordance with policy CS20 of the Borough Council's adopted Local Development Framework Core Strategy 2008.

19. No condition
20. No condition
21. No condition
22. Each and every application for the Reserved Matters of siting, layout, design, external appearance or landscaping for any particular area shall be accompanied by a Design & Access Statement that explains how that application for Reserved Matters accords with the criteria and principles set out in the approved Park Farm South & Park Farm East Development Brief dated December 2001, and in the case of any variations explaining the nature thereof, and how their environmental effects correspond with the effects of the proposals assessed in the Environmental Statement.

Reason: To ensure that the development complies with the guidance in PPS1, By Design and its companion documents, Manual for Streets 1 & 2 and Kent Design, and also complies with policies CS1, CS9, CS10, CS11, CS13, CS18 & CS20 of the Ashford Borough Council Local Development Framework Core Strategy 2008 and to ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) are given effect.

23. Before any construction commences on the site the following shall be submitted and approved in writing by the Local Planning Authority:-
- i) Code of Construction Practice;
 - ii) Hours of working for construction;

- iii) The management and location of utility services within the development;
- iv) The provision for centralised telecommunication & television & radio reception and limitations to external aerials within the development;
- v) The routing of construction vehicles and provision of appropriate signing.

These matters approved shall then be implemented as approved.

Reason: To ensure the protection of amenity during and following development.

24. Unless agreed otherwise in writing by the Local Planning Authority, prior to the occupation of 599 dwellings on the site, a recycling facility shall have been provided in accordance with details (including future management) which shall have previously been submitted to and approved by the Local Planning Authority and the facility shall subsequently be retained and maintained available for use in accordance with the approved details.

Reason: To foster greater recycling of materials in accordance with policy CS9 of the Ashford Borough Council Local Development Framework Core Strategy 2008.

25. No condition

26. Before each part of the development is occupied vehicle turning area(s) for that part of the development shall be provided in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority and the vehicle turning area(s) shall be permanently retained available for this purpose.

Reason: So that vehicles may enter and leave the site in a forward gear in the interests of highway safety.

27. As part of the submission of the Reserved Matters of site layout details shall be submitted to and approved by the Local Planning Authority for the provision of bus shelters and the approved shelters shall be erected in accordance with the approved details and a programme which shall have had the prior approval of the Local Planning Authority.

Reason: To encourage the use of public transport from and to the site.

28. Unless agreed otherwise in writing by the Local Planning Authority, the development shall only be implemented in accordance with the important / protected species mitigation measures set out in the updated Environmental Statement accompanying the application.

Reason: In the interests of nature conservation.

29. No habitable buildings shall be constructed on Park Farm East unless the ground floor slab is constructed at a level which allows for a 20% excess

discharge rate over and above the undefended 1 in 100 year flood level.

Reason: To protect the new properties from flooding in accordance with the advice in PPS 25.

30. Prior to the occupation of the 51st dwelling on each remaining phase, a secondary means of emergency access shall be provided to those dwellings in accordance with details that have been agreed with the Local Planning Authority in writing.

Reason: To minimise the risks of access problems for the emergency services and residents.

31. Prior to the occupation of the 101st dwelling on each remaining phase, a second road access shall be provided to those dwellings in accordance with details that have been agreed with the Local Planning Authority in writing.

Reason: To minimise the risks of access problems for the emergency services and residents.

32. The development shall be carbon neutral. Each building or house / flat approved under the terms of this permission shall be constructed to achieve:

(A) a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:

- i) 'Excellent' standard in respect of energy credits
- ii) 'Maximum' standard in respect of water credits
- iii) 'Excellent' standard in respect of materials credits
- iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions

OR (as the case may be)

(B) a minimum Code for Sustainable Homes (or subsequent equivalent quality assured scheme) Level 3 with 1 / 2 credits awarded under the Ene7 (Low and Zero Carbon Technologies) criterion (or subsequent equivalent criterion)

Unless otherwise agreed in writing by the Local Planning Authority, no work on each building or house / flat shall commence until the following for that building or house / flat have been submitted to and approved in writing by the Local Planning Authority:

-
- (a) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which, for non-residential schemes, shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements)
 - (b) Standard Assessment Procedure ("SAP") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed
 - (c) A BREEAM or Code for Sustainable Homes (as the case may be) 'Design Stage' report and related certification produced by a registered assessor
 - (d) Details of the measures and LZC and other technologies to be used to achieve the BREEAM credit requirements or the Code for Sustainable Homes Level and credit(s) specified above (as the case may be).

The development shall be carried out in accordance with the approved report and details. The approved measures and LZC and other technologies for achieving the BREEAM credit requirements and/or Code for Sustainable Homes Level and credit(s) (as applicable) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no building or house shall be occupied until (i) and either (ii) or (iii) below (as the case may be) have been submitted to and approved in writing by the Local Planning Authority for that building or house:

- (i) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions
- (ii) a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4
- (iii) a Code for Sustainable Homes 'Post Construction Stage' report and related certification produced by a registered

assessor confirming the Code level that has been achieved and the credits awarded under Ene7

Reason: In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in PPS1 and the Supplement to PPS1.

33. Save for car barns and any garage buildings, the details of all other new buildings required to be submitted pursuant to Condition 2 of this permission shall show buildings with a minimum 2-storey height and a maximum of 3-storey height.

Reason: To ensure that the scale of the remaining residential development at Park Farm East and any other remaining buildings remains appropriate for the site, the site surroundings and impact on the landscape and is in accordance with the place making principles set out in the adopted Development Brief.

34. The details submitted pursuant to Condition 2 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space. Dwellings that are identified for provision of water butts shall only be occupied following the provision and attachment of such butts in accordance with the approved detail pursuant to this condition.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for mains water on site.

35. No dwelling or single flat provided with a garden with soft landscaping shall be occupied until details of a residents' information pack in respect of the approved soft landscaping and tree planting on the Plot (or within communal areas) has been submitted and approved by the Local Planning Authority in writing. The residents' information pack shall comprise the following:-

- (a) appropriate graphic and written material to illustrate the details of landscaping to be provided on the Plot or within the relevant communal areas of flats together with similar material to identify how the landscaping is a component part of the street scene within which the Plot or block of flats is located,
- (b) details of the likely visual impact of the approved planting at maturity and the benefits of chosen species in terms of enhancing biodiversity

- (c) details of essential maintenance information per season to help residents and those managing communal areas maintain approved landscaping to maturity.

The approved details shall be given to the first occupier of the dwelling and also those managing communal areas at flats at first occupation.

Reason: In order to ensure that the approved soft landscaping and tree planting is understood by occupiers and those managing communal space and to help its early maturity.

36. At the same time as submissions pursuant to Condition 2 of this permission details shall be submitted to the Local Planning Authority in respect of bird and bat boxes together with a plan showing their spatial distribution in the relevant phase or sub-phase and approved by the Local Planning Authority in writing (following prior consultation with the Kent Wildlife Trust). Dwellings that are identified for provision of bird and bat boxes shall only be occupied following the provision and attachment of such boxes in accordance with the approved detail pursuant to this condition.

Reason: To ensure that the impact of the remaining development is appropriately mitigated in terms of nesting opportunities for birds and bats.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 dwelling houses as described by Use Class C3 of the Town and Country Planning Use Classes Order 1987 as amended and any approved mixed-use units shall only be used specifically in accordance with the obligations imposed by the s.106 agreement.

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.

38. Each of the following is required to be submitted to and approved by the Local Planning Authority in writing prior to their usage in any building:
- (a) the location and colour of rain water and soil pipes;
 - (b) the location, size and colour of external vents, grilles and flues in walls or the roof;
 - (c) 1:20 scale elevations and sections sufficient to identify the specific form and location of all external electricity and gas meter boxes and associated pipe work, together with their relationship to proposed adjacent ground levels whether hard or soft landscaped;

- (d) 1:20 scale front and side elevations of any projecting, or Juliet style, balconies;
- (e) 1:20 scale front and side elevations of any bay or oriel style windows;
- (f) 1:20 scale front and side elevations of any flat or pitched roofed door canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing materials);
- (g) details sufficient to show proposed flashings at the intersections of roof planes between individual buildings combined to give continuous frontage to the street;
- (h) 1:20 scale front and side elevations of proposed any flat-roof and pitched-roof dormer windows.
- (i) 1:20 details of all proposed eaves and verge treatments, including the use of over fascia venting (or any methods obviating the need for such)
- (j) 1:20 scale elevations and sections of the ground floor street frontage windows and doors to mixed use units and mixed use units to be provided and marketed specifically for ground floor retail use.

and the development shall be constructed in accordance with the approved details.

Reason: In order to ensure that fine details are of a high standard, contribute to visual richness in the built environment and are complementary to the visual quality of the building within which they are incorporated.

- 39.
- (a) Prior to the approved soft landscaping works being commenced in accordance with the details required to be submitted pursuant to Condition 2 (and any subsequent variations to those details agreed in writing by the local planning authority) a 'soft landscaping implementation notice' shall have been served on the local planning authority in writing stating the date of commencement of landscaping works and the anticipated date of completion of the soft landscaping works within the relevant planting season.
 - (b) Within 10 working days of the completion of the approved soft landscaping works other than for street trees a 'plot landscaping completion notice' shall have been served on the local planning authority in writing identifying the date at which the plot landscaping works were considered as being completed.
 - (c) Within 10 working days of the completion of the approved soft landscaping works other than for plots a 'street tree landscaping completion notice' shall have been served on the local planning

authority in writing identifying the date at which the street tree landscaping works were considered as being completed.

Reason: To enable the local planning authority to monitor soft landscaping works for compliance with the approved soft landscaping details.

40. The layout details required to be submitted pursuant to Condition 2 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all principal entrances of dwellings (and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided linking the principal entrance of a dwelling to that which forms the public realm).

Reason: To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

41. a) The total number of dwellings constructed on the site pursuant to this outline planning permission and outline planning permission 01/01155/AS in combination shall not exceed 780, including up to 60 buildings designed to be capable of accommodating A1, A2, B1, or C3 uses.
- b) Only one rail halt, one pub/restaurant and one roundabout/access onto the A2070 shall be provided pursuant to this outline planning permission and outline planning permission 01/01155/AS in combination.

Reason: To restrict the total amount of development on the site to that which was envisaged in the Park Farm South and East Development Brief (adopted as Supplementary Planning Guidance May 2002), and the environmental and other effects of which have been assessed through the documents submitted in support of the application and for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations.

Notes to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
2. The estate roads to be designed and built to adoptable standards in accordance with current requirements of the Highway Authority are to be subject to an adoption agreement under Section 38 of the Highways Act which must be entered into before the development or any part of it is occupied.
3. The applicants attention is drawn to the provisions of the Wildlife and

Countryside Act 1981.

4. A footpath or other public right of way runs across or adjacent to the application site and the applicant is advised to contact the Diversions Officer, PROW Unit, KCC to establish the precise implications thereof.
5. The applicant should ensure that surface water drainage is not directed to, or connected to, the public foul sewer.
6. The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.
7. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.
8. The applicant is advised to contact those bodies responsible for the supply of gas, electricity, water, telephone and other such services as soon as possible to ascertain their requirements and to ensure that suitable provision is included within the detailed plans submitted to the Local Planning Authority pursuant to this permission. The applicant should take steps to ensure that the services are installed in a co-ordinated manner at the time of development and that electricity and telephone supply cables are placed underground.
9. Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works in, on, over or within 8 metres of the Ruckinge Dyke. The applicant is advised to contact the Kent Area Office of the Environment Agency regarding the necessary approvals.
10. This permission does not convey any approval for the required vehicular crossing or any other works within the highway for which permission must be obtained from Kent Highway Services.
11. Reserved matters applications will be expected to be to a high standard of design and accord with the adopted Development Brief. Applications will also be expected to comply with the Council's adopted Supplementary Planning Documents, particularly Residential Parking and Design Guidance and Residential Space Standards.

Application Number	11/00473/AS
Location	Land at Cheeseman's Green, Cheeseman's Green Lane, Kingsnorth, Ashford, Kent
Grid Reference	02482/39658
Parish Council	Kingsnorth/Mersham and Sevington
Ward	Highfield/Weald East
Application Description	Variation of Condition 32 of outline planning permission 02/00278/AS
Applicant	Crest Nicholson Eastern Ltd, 1 Myrtle Road, Brentwood, CM14 5EG
Agent	Planning Perspectives LLP, 24 Burton Place, London, W1J 6NE
Site Area	168 ha
(a) -/-	(b) X, X (c) HA X, KHS X, NE X, KWT S

The Strategic Sites and Design Manager advised that procedures relating to the advertisement of environmental impact assessment of this application had not been followed correctly and as such the recommendation was to grant delegated authority to the Strategic Sites and Design Manager to determine the application once the correct procedures had been followed. She also drew Members' attention to the Update Report. There were several points to take note of, including:

- Comments had been received from the Ward Member for Weald East, these were summarised to the Committee.
- Tables 1 and 2 required modification in relation to play areas.
- The Head of Customers, Homes and Property had been negotiating with the site owners (The Church Commissioners for England) and Mersham Parish Council regarding a possible local needs housing scheme in Mersham Village on other land owned by the Church. This proposal would allow some of the affordable housing for this development to be provided on the edge of Mersham, and the Recommendation was amended accordingly.
- Recommendation (B) should refer to Table 2 not 1. The second Recommendation (B) was intended to be a sub-point of the first Recommendation (B) and it likewise should refer to Table 2 not 1.

Resolved:**That the Planning Committee:-**

(A) Approve the proposed variations to the Section 106 Agreement dated 30 January 2006 in relation to Outline Planning Permission ref. 02/00278/AS set out in Table 1 and grant delegated authority to the Strategic Sites and Design Manager or the Development Control Manager to:

(i) make or approve any further minor changes to those variations which appear to them to be necessary or desirable in order to enable completion of a Deed of Variation, and

(ii) agree to a partial Deed of Variation being entered into which includes only some of those variations, in the event that it is not possible to secure all necessary landowners' consent to the variations and in their view there is no prejudice to the proper planning of the area for a partial Deed being completed;

Table 1

Item of Infrastructure Sought	Current Obligation	Proposed Change
Primary Healthcare Facility	<p>1. Agree with the Borough Council and Primary Care Trust the location of a site of 0.6 ha prior to the commencement of development, such site to be capable of accommodating a building, associated parking and landscaping.</p> <p>2. The agreed site to be made available for development of a Primary Healthcare facility prior to the occupation of the 150th dwelling in a serviced condition and certified free from contamination and other encumbrances.</p> <p>3. The applicants to market the site on terms which reflect its use for a period of not less than 5yrs from the date in 2. Including on an agreed form of tenure with the Primary Care Trust.</p>	<p>1. Prior to the occupation of the first dwelling, agree with the Borough Council and Primary Care Trust the location of a site of 0.118 ha, adjoining the Community Centre land capable of accommodating a building or part of a building, associated parking and landscaping.</p> <p>2. The applicants to agree the internal/external layout of a Primary Health Care facility with the Borough Council and the Primary Care Trust consisting of a reception/waiting facility, toilets and two consulting rooms to PCT standards with services thereto at the same time as the design of the Community Centre. The design may be wholly on the 0.118 ha or partly on the</p>

	<p>4.The applicants to continue to reserve the land, if unsold, for such use for a further period of 5 years and transfer it on the same terms on request, or such other similar, substitute site as may be agreed between the parties and the Primary Care Trust.</p>	<p>Community Centre land as may be agreed between the parties.</p> <p>.</p> <p>3. The agreed facility to be constructed, fitted out and made available for Primary Healthcare use by the applicants on an agreed form of tenure with the Primary Care Trust prior to the occupation of the 500th dwelling.</p> <p>4. Should the PCT no longer require the facility at some point following occupation, the accommodation to revert to Community Centre use.</p>
<p>Community Building (Including indoor sports facilities and KCC one-stop shop)</p>	<p>1.Agree the location and extent of a fully serviced site of not less than 1.5ha with the Local Authority prior to the commencement of development for the provision of a community facility/ leisure building/ KCC One stop shop (to be used by them for services such as library/social services/adult education) plus associated outdoor leisure uses, car parking and landscaping, subject to the proviso that the location for such site can be reviewed with the agreement of the parties up to the 300th dwelling being constructed.</p>	<p>1.Agree the location and extent of a fully serviced site of not less than 1.5ha with the Local Authority prior to the occupation of the first dwelling for the provision of a community facility/ leisure building/ KCC One stop shop (to be used by them for services such as library/social services/adult education) plus associated outdoor leisure uses, car parking and landscaping, subject to the proviso that the location for such site can be reviewed with the agreement of the parties up to the 300th dwelling being constructed.</p>
	<p>2.Either, pay to the Borough Council the sum of £1,416,401.60 plus 13% professional fees for the provision of the Community Building by the occupation of the 300th dwelling or,</p> <p>3.Prior to the occupation of the 500th dwelling, construct to an agreed design a community/KCC building to an equivalent cost of £1,416,401.60</p>	<p>2.Either, pay to the Borough Council the sum of £1,416,401.60 plus 13% professional fees for the provision of the Community Building by the occupation of the 400th dwelling or,</p> <p>3.Construct to an agreed design a community/KCC building to an equivalent cost of £1,416,401.60 and pay to the Council 2% professional fees for oversight of the</p>

	<p>and pay to the Council 2% professional fees for oversight of the construction.</p> <p>4. In the event of option 3 being selected, to agree prior to the occupation of the 300th dwelling the management arrangements of the community building and associated facilities.</p> <p>5. Prior to the commencement of development, to pay to KCC the sum of £30,000 to be used by them for the provision of IT connections between the Community Building and the Ashford Town Centre Discovery Centre (or its equivalent).</p>	<p>construction such building to be available for use prior to the occupation of the 500th dwelling.</p> <p>4. In the event of electing to construct the community building to agree prior to the occupation of the 400th dwelling the management arrangements of the community building and associated facilities including any endowment necessary.</p> <p>5. Prior to the occupation of the building to pay to KCC the sum of £30,000 to be used by them for the provision of IT connections between the Community Building and the Ashford Town Centre Gateway (or its equivalent).</p>
Community Building Endowment	<p>In the event of option (b) above being selected, to pay to the Borough Council a total of £400,000 (or any such lesser sum as may be agreed) to be provided for the management, maintenance and operation of the community building for a period of 10 years prior to occupation of 300 dwellings.</p>	<p>In the event of option (3) above being selected, to pay to the Borough Council a total of £400,000 (or any such lesser sum as may be agreed) to be provided for the management, maintenance and operation of the community building for a period of 10 years prior to occupation of 500 dwellings.</p>
Floodlit MUGA/ Tennis Courts	<p>Prior to the occupation of the 500th dwelling, to provide a floodlit MUGA and 3 surfaced tennis courts in the sum of £208,750 including a commuted sum for maintenance on a site adjoining the Community building, or, at the Council's discretion, prior to the occupation of the 300th dwelling, to pay the equivalent sum to the Borough Council for the provision of facilities of</p>	<p>1. Prior to the occupation of the 400th dwelling, to either pay to the Borough Council the sum of £208,750 including a commuted sum for maintenance plus 13% professional fees for the provision of a floodlit MUGA and 3 surfaced tennis courts, or</p> <p>2. Prior to the occupation of the 500th dwelling provide a floodlit MUGA and 3 surfaced</p>

	equivalent value at the Park Farm sports area if the sports facilities are provided at Park Farm.	tennis courts in the sum of £208,750 including a commuted sum for maintenance on a site adjoining the Community building, and pay to the Council 2% professional fees for oversight of construction or, 3. At the Council's discretion, prior to the occupation of the 400 th dwelling, to pay the equivalent sum to the Borough Council for the provision of facilities of equivalent value at the Park Farm sports area if the sports facilities are provided at Park Farm.
Contribution in lieu of on-site sports pitches/ bowling	Prior to the occupation of the 150 th dwelling, to pay to the Borough Council the sum of £340,000, including maintenance, for the provision or improvement of off-site sporting facilities elsewhere in Ashford.	Prior to the occupation of the 150 th Dwelling or the 1 st January 2015 whichever is the earlier to pay to the Borough Council the sum of £340,000, including maintenance, plus an amount representing base rate interest from 30 th January 2006 to payment for the provision or improvement of off-site sporting facilities elsewhere in Ashford.
Off-site Play contribution	Prior to the occupation of the 150 th dwelling, to pay to the Borough Council the sum of £254,000, including maintenance, for the provision or improvement of off-site play facilities.	Delete and add to sums to be expended on on-site play provision.
On-site Play provision	Prior to the first occupation of development to agree timing, siting, design, management and extent of play areas. To construct two local play areas in the sum of £131,000 each, including maintenance, one of which to be for teenage use and to include a kick about area.	Prior to the first occupation on the development to agree the timing of the provision of all play areas and when the related siting, design, management and extent of such play areas will be agreed. To construct one district level

	<p>To construct one neighbourhood play area in the sum of £84,500, including maintenance.</p>	<p>play area in the sum of £254,000, including maintenance, index linked from June 2000.</p> <p>To construct one local play area in the sum of £110,000, including maintenance, index linked from June 2000, to include a kick about area.</p> <p>To construct two neighbourhood play areas in the sum of £70,000 each, including maintenance, index linked from June 2000.</p>
<p>Education</p>	<p>1. Prior to the commencement of development, to agree a site for a primary school of 2.0ha for a 2 form entry school and 0.05ha for an associated nursery/ crèche with Kent County Council and Ashford Borough Council.</p> <p>2. Site to be made available in a serviced condition free from encumbrances prior to the occupation of the 100th dwelling.</p> <p>3. Prior to the occupation of the 100th dwelling to pay to the KCC the appropriate sum for the provision of a primary school.</p> <p>4. Prior to the occupation of the 301st dwelling to pay to the KCC the appropriate sum for the provision of secondary school places.</p> <p>5. Prior to the occupation of 1136 dwellings to calculate and pay/have repaid any residual sums that may be owing due to a lesser/greater number of qualifying dwellings being constructed.</p> <p>6. In the event that the</p>	<p>1. Prior to the first occupation, to agree a site within the district centre for a primary school of 2.0ha for a 2 form entry school and 0.05ha for an associated nursery/ crèche with Kent County Council and Ashford Borough Council.</p> <p>2. Site to be marked out and made available in a serviced condition free from encumbrances prior to the occupation of the 50th dwelling</p> <p>3. Prior to the occupation of the 50th dwelling to pay to the KCC the first primary school contribution of £100, 000 index-linked from the date of the new deed.</p> <p>4. Six months after the payment of the first primary school contribution to pay to the KCC the second primary school contribution of £450, 000 index-linked from the date of the new deed.</p> <p>5. Twenty months after the</p>

	<p>Canterbury Diocese obtains grant funding for a Primary school, then the payments at 3 and 5 will be reduced to 25% of the amounts payable and an adjustment will be made following construction such that the cost net of grant will be payable.</p>	<p>payment of the first primary school contribution to pay to the KCC the third primary school contribution of £3, 828,242.50 000 index-linked from the date of the new deed.</p> <p>6. Not to occupy more than 601 dwellings until the first secondary school contribution has been paid.</p> <p>7. Not to occupy more than 901 dwellings until the second secondary school contribution has been paid.</p> <p>8. Secondary School contribution is £2,534.00 multiplied by the number of Dwellings Occupied prior to 1st September 2015 (as certified by the Owner) from £3,243,436.00 Index Linked (£2,534.00 x number of Dwellings Occupied prior to 1st September - £3,243,436.00) index-linked from the date of the new deed</p>
<p>Foodstore/ retail units</p>	<ol style="list-style-type: none"> 1. Site for a 3,500 sq.m. foodstore to be reserved in accordance with the Devt. Brief prior to the submission of the first application for approval of Reserved Matters. 2. Site to be marketed in accordance with an approved programme of phasing for a period of not less than 5 years. 3. A minimum of 3 small retail units of not less than 100 sq m elsewhere in the development to be built, made available and marketed at a level to be 	<p>Plans to be agreed prior to first occupation.</p>

	<p>agreed for a period of not less than 5 years, to be phased in accordance with an approved programme of phasing.</p>	
Affordable Housing	<p>20% of all residential units to be affordable as generally defined by the Ashford Borough Local Plan 2000.</p> <p>The mix of Affordable units to be provided in accordance with the Development Brief unless otherwise agreed with the Borough Council.</p> <p>All to be built to Housing Corporation Standards and at 70% of Total Cost Indicator.</p> <p>Housing to be managed/ controlled by a Registered Social Landlord approved by Ashford Borough Council where possible, otherwise on the basis of a fallback mechanism to be agreed with the Borough Council.</p>	<p>No change</p> <p>Affordable rented units to be substituted for social rented units</p> <p>The development to provide an 80-bed extra care scheme in lieu of the sheltered and supported units set out in the Development Brief</p> <p>Total Cost Indicators to be removed from the Agreement.</p> <p>In addition, if a Housing Association (from the Council's approved affordable housing developer list) gains planning permission for at least six units of local needs housing on the land at Bower Farm, Mersham, adjacent to Bower Road, and the Church Commissioners transfer the land free of charge and with no restrictions to the Housing Association and the local needs housing is constructed, the equivalent housing (number and size of unit) will be deducted from the affordable housing requirement at Cheeseman's Green in the next relevant phase (i.e. it is not to be deducted from the affordable housing at Stour Meadows or Bilham Farm phases, which already have reserved matters approval). This option</p>

		is effective for ten years from the date of its inclusion within the Section 106 variation.
Employment land	<p>Provide serviced employment sites sufficient to enable the provision of 8,250 sq.m. B1 floorspace prior to the opening of M20 junction 10a.</p> <p>Subsequent to the opening of M20 junction 10a, to provide serviced employment sites for the remaining 61,750 sq.m. B1 floorspace in accordance with a phased programme to have been previously agreed with the Borough Council.</p>	The only change is to the timing of the submission of a phasing plan and a marketing plan which is now to be prior to first occupation.
Bus/cycle link to Park Farm and highway link	<p>Prior to occupation of the 100th dwelling to construct the links up to the boundary of the site with Park Farm East to a point to meet any agreed links on that adjoining site or to a position agreed with the Borough Council in the event that those links have not yet been completed or, in the event that the links on Park Farm have not been commenced at that time, to commence them within 6 months thereafter following commencement on Park Farm east, or, in the event that construction does not commence before the occupation of 401 dwellings on Cheesemans Green, to pay to the Borough Council an agreed equivalent amount of money for construction and transfer the land needed for the construction of both links prior to the commencement of the 500th dwelling.</p>	<p>Prior to occupation of the 400th dwelling to construct the northern link up to the boundary of the site with Park Farm East to a point to meet any agreed link on that adjoining site or to a position previously agreed with the Borough Council in the event that the link has not yet been completed, and prior to the occupation of the 500th dwelling to construct the southern link up to the boundary of the site with Park Farm East to a point to meet any agreed link on that adjoining site or to a position previously agreed with the Borough Council in the event that the link has not yet been completed,. In the event that the links on Park Farm have not been commenced at those times, to pay to the Borough Council an agreed equivalent amount of money for construction and transfer the land and all rights needed for the construction of both links prior to the commencement of the 500th dwelling.</p>

Bridge over Hastings Railway	To make a contribution of £100,000 for design costs and securing consent and £1,200,000 to KCC for constructing a new footpath/cycleway bridge over the Ashford to Hastings railway line adjacent to the grade separated roundabout, to be spent within 15 years of the date of commencement.	<p>1.To either make a contribution of £100,000 for design costs and securing consent to KCC on occupation of the 50th dwelling, or</p> <p>2.To design and get approval by KCC and any other authorities of such of a new footpath/cycleway bridge over the Ashford to Hastings railway line adjacent to the grade separated roundabout by the 100th dwelling (including payment of KCC's approval fee).</p> <p>3.To build the bridge to the agreed specification by the occupation of the 400th dwelling, or</p> <p>4. To make a contribution of £1,200,000 to KCC towards such costs by the same date.</p> <p>5. the sums payable to be index-linked from the date of the new deed.</p>
Improvements to SOR junction	To construct, through a S278 Agreement with the Highway Authority, an improvement to the A2070 Orbital Park junction in accordance with the Grampian conditions attached to this grant of permission.	In accordance with the variations sought to planning condition32 to allow use of an interim junction arrangement up to the provision of 500-700 units, to enter into a S278 Agreement with the Highways Agency to construct the Interim improvement to the A2070 Orbital Park junction and the 'left-in-left-out site access junction approved under permission 10/00672/AS.
New Sewer	Not to connect new discharges to any existing sewers on or off-site without the prior approval of the Southern Water Services, and to requisition new sewers as necessary to serve the development.	Remove the clause altogether .

Public open space	Provide additional Public Open Space including a scheme for the management thereof to at least the standards set out in the local plan such maintenance arrangements to be agreed prior to the commencement of development in each phase and provision to be made in accordance with a phased scheme,	Phased scheme to provide for approval of POS areas to occur before occupation of the first dwelling in each phase, together with a specification and management arrangements. Such land to be laid out and managed as agreed, and used additionally for flood compensation, SUDS or access routes.
Other open space		Not to occupy the first dwelling in any phase until the written approval of the Borough Council has been obtained to a plan showing the location and boundaries of all other open space within the phase.
Public House/ restaurant	At least one site for a public house/ restaurant to be agreed and reserved prior to the commencement of development in accordance with Devt. Brief. Site to be marketed from commencement of the phase of the development within which it is proposed.	At least one site for a public house/ restaurant to be agreed and reserved prior to the occupation of the first dwelling in accordance with Devt. Brief or as otherwise agreed. Site to be marketed from commencement of the phase of the development within which it is proposed.
Church	Site to be reserved in accordance with the Development Brief.	Site to be agreed and reserved prior to the occupation of the first dwelling in accordance with Devt. Brief or as otherwise agreed to be relocated to the local centre.
Index Linking	All sums provided for in this agreement shall be index linked from relevant dates in line with relevant indexes.	All sums provided for in this agreement shall be index linked from the original calculation dates in line with relevant indexes with the exception of the off-site sports provision sum, the education provisions and the footbridge

		over the Hastings Railway.
Management of the Agricultural Land	Scheme to be submitted and agreed for the long-term management of the agricultural land. Creation of footpaths and cycleways, planting and ecological enhancement works to be sustainable and not to render impracticable the efficient use of the land for agriculture	Not to occupy a dwelling within any phase which contains agricultural land until a management plan has been agreed for that phase. Such land to be laid out and managed as agreed.

- (B) Grant delegated authority to the Strategic Sites and Design Manager or the Development Control Manager to determine application ref. 11/00473/AS.**

In the event of a decision to approve the application, this shall be subject to:-

- (i) such planning obligations as the Strategic Sites and Design Manager or the Development Control Manager see fit and in terms agreeable to the Head of Legal and Democratic Services;**
- (ii) such conditions and notes as the Strategic Sites and Design Manager or the Development Control Manager consider necessary or appropriate; and**
- (iii) the application being notified to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 in respect of employment land for the reasons set out in the Joint Development Control Managers 10th September 2003 report, and to the Secretary of State having either stated that he is content for the Council to determine the application, or not responded to the notification within the relevant time period;**

and the Planning Committee recommends the planning obligations in Table 2 and the conditions and notes below be imposed, together with any further or amended obligations and/or conditions that flow from any further consultation responses as the Strategic Sites and Design Manager or the Development Control Manager see fit, and the following reasons for approval:

- 1. The scheme accords with the land use and other provisions of the Development Plan as amplified by the adopted Development Brief.
- 2. The scheme accords with Government advice and the mitigation measures represent good practice.

3. The scheme provides for adequate access so that highway safety and convenience is not compromised.
 4. The proposed conditions and Section 106 Agreement deliver appropriate mitigation for any adverse effects and provide an appropriate range of community facilities to serve the needs of residents.
 5. The scheme delivers a sustainable community and represents an appropriate balance of land uses and density.
 6. The planning obligations that are required are considered necessary to make the development acceptable in planning terms, are considered to be directly related to the development and considered to be fairly and reasonably related in scale and kind to the development.
- (a) **A Section 106 Agreement in respect of planning obligations as detailed in Table 2, in terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve changes to the planning obligations and planning conditions, that flow from any further responses in respect of the above matters, as they see fit.**

Table 2

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1	<p>SPG6 Contributions</p> <p>To pay to the Borough Council a sum equivalent to that calculated in accordance with the formula in SPG6 based on the development of 23.72 Development Units (as defined in para. 6.2 of SPG6). Payments to be separated into two sums, the first related to the release of 8.5 DU's prior to J10a, the second related to the release of the remaining 15.22 DU's of the development.</p>	To be calculated at the time due	<p>a) The first sum to be phased as follows: 50% prior to the commencement of the development; a further 25% prior to the completion of 2.83 DU's; and the remaining 25% prior to the completion of 6.3755 DU's.</p> <p>b) The second sum to be phased in accordance with</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
			the guidelines set out in para. 7.3 of SPG6.
2.	<p>Primary Healthcare Facility</p> <p>1. Agree with the Borough Council and Primary Care Trust the location of a site of 0.118 ha, adjoining the Community Centre land capable of accommodating a building or part of a building, associated parking and landscaping.</p> <p>2. The applicants to agree the internal/external layout of a Primary Health Care facility with the Borough Council and the Primary Care Trust consisting of a reception/waiting facility, toilets and two consulting rooms to PCT standards with services thereto at the same time as the design of the Community Centre. The design may be wholly on the 0.118 ha or partly on the Community Centre land as may be agreed between the parties.</p> <p>3. The agreed facility to be constructed, fitted out and made available for Primary Healthcare use by the applicants on an agreed form of tenure with the Primary Care Trust.</p> <p>4. Should the PCT no longer require the facility at some point following occupation, the accommodation to revert to Community Centre use.</p>	None.	<p>1. Prior to the occupation of the first dwelling,</p> <p>3. Prior to the occupation of the 500th dwelling.</p>
3.	<p>Community Building (Including indoor sports facilities and KCC one-stop shop)</p> <p>1. Agree the location and extent of a fully serviced site of not less than 1.5ha with the Local Authority for the</p>		1. Prior to the occupation of the first dwelling subject to the proviso that the location for such site can be

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>provision of a community facility/ leisure building/ KCC One stop shop (to be used by them for services such as library/social services/adult education) plus associated outdoor leisure uses, car parking and landscaping.</p> <p>2. Either, pay to the Borough Council the sum of £1,416,401.60 plus 13% professional fees for the provision of the Community Building or,</p> <p>3. Construct to an agreed design a community/KCC building to an equivalent cost of £1,416,401.60 and pay to the Council 2% professional fees for oversight of the construction such building .</p> <p>4. In the event of electing to construct the community building to agree the management arrangements of the community building and associated facilities including any endowment necessary.</p> <p>5. To pay to KCC the sum of £30,000 to be used by them for the provision of IT connections between the Community Building and the Ashford Town Centre Gateway (or its equivalent).</p>	<p>2. £1,416,401.60 plus 13% professional fees</p> <p>3. 2% professional fees</p> <p>5. The sum of £30,000</p>	<p>reviewed with the agreement of the parties up to the 300th dwelling being constructed.</p> <p>2. By the occupation of the 400th dwelling.</p> <p>3. To be available for use prior to the occupation of the 500th dwelling.</p> <p>4. Prior to the occupation of the 400th dwelling</p> <p>5. Prior to the occupation of the building</p>
4.	<p>Community Building Endowment In the event of option (3) above being selected, to pay to the Borough Council a total of £400,000 (or any such lesser sum as may be agreed) to be provided for the management, maintenance and operation of the community building for a period of 10 years.</p>	£400,000 (or any such lesser sum as may be agreed)	Prior to occupation of 500 dwellings.

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
5.	<p>Floodlit MUGA/Tennis Courts</p> <p>1.To either pay to the Borough Council the sum of £208,750 including a commuted sum for maintenance plus 13% professional fees for the provision of a floodlit MUGA and 3 surfaced tennis courts, or</p> <p>2. Provide a floodlit MUGA and 3 surfaced tennis courts in the sum of £208,750 including a commuted sum for maintenance on a site adjoining the Community building, and pay to the Council 2% professional fees for oversight of construction or,</p> <p>3.At the Council's discretion to pay the equivalent sum to the Borough Council for the provision of facilities of equivalent value at the Park Farm sports area if the sports facilities are provided at Park Farm.</p>	<p>1. £208,750 including a commuted sum for maintenance plus 13% professional fees.</p> <p>2. £208,750 including a commuted sum for maintenance</p> <p>3. £208,750 including a commuted sum for maintenance</p>	<p>1. Prior to the occupation of the 400th dwelling.</p> <p>2. Prior to the occupation of the 500th dwelling.</p> <p>3. Prior to the occupation of the 400th dwelling,</p>
6.	<p>Contribution in lieu of on-site sports pitches/bowling</p> <p>To pay to the Borough Council the sum of £340,000, including maintenance, plus an amount representing base rate interest from 30th January 2006 to payment for the provision or improvement of off-site sporting facilities elsewhere in Ashford.</p>	<p>£340,000, including maintenance, plus an amount representing base rate interest</p>	<p>Prior to the occupation of the 150th Dwelling or the 1st January 2015 which ever is the earlier</p>
7.	<p>On-site Play Provision</p> <p>1.To agree the timing of the provision of all play areas and when the related siting, design, management and extent of such play areas will be agreed.</p> <p>2.To construct one district level play area in the sum of £254,000,</p>	<p>2. £254,000, including maintenance.</p>	<p>1.Prior to the first occupation on the development</p>

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
	<p>including maintenance, index linked from June 2000.</p> <p>3.To construct one local play area in the sum of £110,000, including maintenance, index linked from June 2000, to include a kick about area.</p> <p>4. To construct two neighbourhood play areas in the sum of £70,000 each, including maintenance, index linked from June 2000.</p>	<p>3. £110,000 including maintenance</p> <p>4. £70,000 each, including maintenance.</p>	
8.	<p>Education</p> <p>1.To agree a site within the district centre for a primary school of 2.0ha for a 2 form entry school and 0.05ha for an associated nursery/ crèche with Kent County Council and Ashford Borough Council.</p> <p>2.Site to be marked out and made available in a serviced condition free from encumbrances .</p> <p>3.To pay to the KCC the first primary school contribution of £100, 000 index-linked from the date of the new deed.</p> <p>4. To pay to the KCC the second primary school contribution of £450, 000 index-linked from the date of the new deed.</p> <p>5. To pay to the KCC the third primary school contribution of £3, 828,242.50 index-linked from the date of the new deed.</p> <p>6. Not to occupy more than 601 dwellings until the first secondary</p>	<p>3. £100, 000 index-linked from the date of the new deed.</p> <p>4. £450, 000 index-linked from the date of the new deed.</p> <p>5. £3,828,242.50 index-linked from the date of the new deed.</p> <p>6. £2,534.00 multiplied by the</p>	<p>1.Prior to the first occupation</p> <p>2. Prior to the occupation of the 50th dwelling</p> <p>3. Prior to the occupation of the 50th dwelling.</p> <p>4. Six months after the payment of the first primary school contribution.</p> <p>5. Twenty months after the payment of the first primary school contribution.</p> <p>6. No more than 601 dwellings.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>school contribution has been paid.</p> <p>7. Not to occupy more than 901 dwellings until the second secondary school contribution has been paid.</p> <p>8. Secondary School contribution is £2,534.00 multiplied by the number of Dwellings Occupied prior to 1st September 2015 (as certified by the Owner) from £3,243,436.00 Index Linked (£2,534.00 x number of Dwellings Occupied prior to 1st September - £3,243,436.00) index-linked from the date of the new deed.</p>	<p>number of Dwellings Occupied prior to 1st September 2015 (as certified by the Owner) from £3,243,436.00 Index Linked (£2,534.00 x number of Dwellings Occupied prior to 1st September - £3,243,436.00) index-linked from the date of the new deed.</p>	<p>7. No more than 901 dwellings</p>
9.	<p>Foodstore /retail units</p> <p>1.Site for a 3,500 sq.m. foodstore to be reserved in accordance with the Devt. Brief.</p> <p>2.Site to be marketed in accordance with an approved programme of phasing for a period of not less than 5 years.</p>	<p>None.</p>	<p>1. Prior to the occupation of the first dwelling.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	3.A minimum of 3 small retail units of not less than 100 sq m elsewhere in the development to be built, made available and marketed at a level to be agreed for a period of not less than 5 years, to be phased in accordance with an approved programme of phasing.		
10.	<p>Live/work units (Mixed use units)</p> <p>1.To provide 180 live/work units within the High Street or adjoining commercial areas in accordance with the adopted Development Brief and the phasing plan.</p> <p>2.At least the ground floor of any such unit, shall be used for B1, A1 and A2 uses (subject to the floorspace limitations imposed by the Planning Permission), unless otherwise agreed by the Local Planning Authority. Each such unit shall be occupied as a single unit and not subdivided.</p> <p>3.No more than 50 such units will be constructed on the land owned by Taylor Woodrow, and no units shall be constructed on that land (unless the landowners wish to do so) until 100 such units have been completed and occupied elsewhere on the site.</p> <p>4.Units will be constructed in groups of not less than 10, and 5 completed units shall be available on the site as a whole for sale/rent at any one time until 180 units (or such lesser/greater number as may be agreed by the LPA) have been constructed and occupied.</p>	None.	As per the detail.
11.	<p>Affordable Housing</p> <p>1.20% of all residential units to be affordable as generally defined by the Ashford Borough Local Plan</p>	20% of dwellings.	As agreed in the scheme of Affordable Dwellings.

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>2000.</p> <p>2.The mix of Affordable units to be provided in accordance with the Development Brief other than the affordable rented units to be substituted for social rented units and the development to provide an 80-bed extra care scheme in lieu of the sheltered and supported units set out in the Development Brief, unless otherwise agreed with the Borough Council.</p> <p>3.All to be built to Homes and Community Agency Standards.</p> <p>4.Housing to be managed/controlled by a Registered Social Landlord approved by Ashford Borough Council where possible, otherwise on the basis of a fallback mechanism to be agreed with the Borough Council.</p> <p>5. If a Housing Association (from the Council's approved affordable housing developer list) gains planning permission for at least six units of local needs housing on the land at Bower Farm, Mersham, adjacent to Bower Road, and the Church Commissioners transfer the land free of charge and with no restrictions to the Housing Association and the local needs housing is constructed, the equivalent housing (number and size of unit) will be deducted from the affordable housing requirement at Cheeseman's Green in the next relevant phase (i.e. it is not to be deducted from the affordable housing at Stour Meadows or Bilham Farm phases, which already have reserved matters approval). This option is effective for ten years from the date of its inclusion within the</p>		

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	section 106 variation.		
12.	<p>Employment Land</p> <p>1. Provide serviced employment sites sufficient to enable the provision of 8,250 sq.m. B1 floorspace.</p> <p>2. Subsequent to the opening of M20 junction 10a, to provide serviced employment sites for the remaining 61, 750 sq.m. B1 floorspace.</p> <p>3. Market employment land in parallel with residential development within the constraints imposed by highway capacity, and so that at no time shall there be a requirement to market any more than 2 hectares of such land.</p>	None.	<p>1. Prior to the opening of M20 junction 10a.</p> <p>2. In accordance with a phased programme to have been previously agreed with the Borough Council.</p> <p>3. In accordance with an approved programme.</p>
13.	<p>Bus/cycle link to Park Farm and highway link</p> <p>1. To construct the northern link up to the boundary of the site with Park Farm East to a point to meet any agreed link on that adjoining site or to a position previously agreed with the Borough Council in the event that the link has not yet been completed,</p> <p>2. To construct the southern link up to the boundary of the site with Park Farm East to a point to meet any agreed link on that adjoining site or to a position previously agreed with the Borough Council in the event that</p>		<p>1. Prior to occupation of the 400th dwelling</p> <p>2. Prior to the occupation of the 500th dwelling.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>the link has not yet been completed,</p> <p>3. In the event that the links on Park Farm have not been commenced at those times, to pay to the Borough Council an agreed equivalent amount of money for construction and transfer the land and all rights needed for the construction of both links .</p>	<p>3. An agreed equivalent amount of money for construction and transfer the land and all rights needed for the construction of both links</p>	<p>3. Prior to the commencement of the 500th dwelling.</p>
14.	<p>Bus/Cycle link to Waterbrook</p> <p>1.To agree the design and costing of a bus/cycleway link road and bridge between the site and the Waterbrook site.</p> <p>2.To construct a bus/cycleway link to the bank of the East Stour River to a point where it is capable of being linked, via a bridge, with the bus/cycle link to be constructed on the Waterbrook site.</p> <p>3.To construct a bridge from the bus/cycleway link on the site to Waterbrook to the agreed design.</p>		<p>1. Before occupation of the 500th Dwelling.</p> <p>2. To be complete by 1000 dwellings if development at Waterbrook is commenced by 700 dwellings, otherwise within 2 years of Waterbrook commencing.</p> <p>3. Complete by 1000 dwellings if development at Waterbrook is commenced by 700 dwellings, otherwise within 2 years of Waterbrook commencing.</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
	<p>4. In the event that development at Waterbrook has not been commenced by 1000 dwellings (a) to transfer the necessary land for the construction of such a bridge together with an agreed sum of money representing 50% of the agreed costs, index linked, and grant landing rights for the bridge to the Highway Authority by the occupation of 1000 dwellings, and provide a top-up sum if the eventual costs exceed the agreed amount. (b) To either construct the road link itself or transfer the land and pay the agreed costs (plus a top-up provisions) at its option).</p>	<p>4. 50% of the agreed costs, index linked, and grant landing rights for the bridge plus top-up sum.</p>	
15.	<p>Bridge over Hastings Railway</p> <p>1. To either make a contribution of £100,000 for design costs and securing consent to KCC, or</p> <p>2. To design and get approval by KCC and any other authorities of such of a new footpath/cycleway bridge over the Ashford to Hastings railway line adjacent to the grade separated roundabout (including payment of KCC's approval fee).</p> <p>3. To build the bridge to the agreed specification or</p> <p>4. To make a contribution of £1,200,000 to KCC towards such costs by the same date.</p> <p>5. The sums payable to be index-linked from the date of the new deed.</p>	<p>1. £100,000</p> <p>4. £1,200,000 index-linked from the date of the deed.</p>	<p>1. On occupation of the 50th dwelling</p> <p>2. By the 100th dwelling.</p> <p>3. By the occupation of the 400th dwelling,</p>

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
16.	<p>Crossings of SOR</p> <p>1.To construct a footpath/cycleway beneath the A2070 adjacent to the Ashford to Hastings railway line in accordance with the Development Brief .</p> <p>2.The provision of an at-grade pedestrian / cycleway crossing of the A2070 as part of the new junction on the A2070 as required by the relevant Highway Authority –</p>	None.	<p>1. To be completed before more than 650 dwellings or any employment development occupied.</p> <p>2. Timing to be agreed as part of the phasing plan.</p>
17.	<p>Improvements to SOR junction</p> <p>In accordance with the variations sought to planning condition32 to allow use of an interim junction arrangement up to the provision of 500-700 units, to enter into a S278 Agreement with the Highways Agency to construct the Interim improvement to the A2070 Orbital Park junction and the 'left-in-left-out site access junction approved under permission 10/00672/AS.</p>	None.	<p>Before 50 dwellings are occupied and before 475 are occupied.</p>
18.	<p>Public open Space</p> <p>1. Provide additional Public Open Space including a scheme for the management thereof to at least the standards set out in the local plan.</p> <p>2.Phased scheme to provide for approval of POS areas to occur in each phase, together with a specification and management arrangements.</p> <p>3.Such land to be laid out and managed as agreed, and used additionally for flood compensation, SUDS or access routes.</p>	None.	<p>1. Before occupation of the first dwelling</p>

	Planning Obligation		
	Detail	Amount(s)	Trigger Point(s)
19.	<p>Other Open space</p> <p>Not to occupy the first dwelling in any phase until the written approval of the Borough Council has been obtained to a plan showing the location and boundaries of all other open space within the phase.</p>		1. First dwelling in each phase.
20.	<p>Public House /Restaurant</p> <p>1.At least one site for a public house/ restaurant to be agreed and reserved in accordance with Devt. Brief or as otherwise agreed.</p> <p>2.Site to be marketed from commencement of the phase of the development within which it is proposed.</p>		1. Prior to the occupation of the first dwelling
21.	<p>Church</p> <p>Site to be agreed and reserved in accordance with Devt. Brief or as otherwise agreed to be relocated to the local centre.</p>		Prior to the occupation of the first dwelling
22.	<p>Index Linking</p> <p>All sums provided for in the agreement shall be index linked from the original calculation dates in line with relevant indexes with the exception of the off-site sports provision sum, the education provisions and the footbridge over the Hastings Railway.</p>		
23.	<p>Management of the Agricultural Land</p> <p>Not to occupy a dwelling within any phase which contains agricultural land until a management plan has been agreed for that phase. Such land to be laid out and managed as agreed.</p>		

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
24.	<p>Monitoring Fee</p> <p>To pay to the Council an annual monitoring fee of £10 000 during the development period subject to the proviso that a one-off lump sum may be agreed between the parties.</p>	£10, 000 per year	Annually.
25.	<p>Special Clauses affecting Taylor Wimpey land only</p> <p>None of the following facilities will be on the TW land or required to be provided by TW:-</p> <ul style="list-style-type: none"> - Community Building - MUGA/Tennis Courts - Foodstore/Retail Units - Onsite Play provision - Primary Healthcare Facility - Primary School Site - Public House/Restaurant - Employment land developed prior to the opening of Junction 10A. <p>TW to be legally restrained from occupying additional development on their land if a 'trigger point' for providing such a facility is applicable, until such time as it is provided.</p> <p>TW not to be liable to make the full SPG6 or Education Contributions at the trigger points set out above, but only to contribute according to the amount of built floorspace on their land.</p>	SPG6 payments as calculated at the time.	See SPG6 clauses.
<p>The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>			

(b) Grant Outline Planning Permission

Subject to the following Conditions and Notes:

- 1 The development hereby permitted shall be first begun not later than the

expiration of two years from the date of approval of all of the Reserved Matters for the first phase of the development pursuant to this permission, unless the material operation by which the development is begun is one approved by reserved matters approval ref. 09/01566/AS under outline planning permission 02/00278/AS (for development at Stour Meadows and amendments to roads), in which case it shall be begun not later than 5 August 2012.

Each phase of the development pursuant to this permission shall be begun within two years of final approval of all of the Reserved Matters for that phase of the development pursuant to this permission.

Application for approval of all of the Reserved Matters for the first phase of the development pursuant to this permission shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

The final submission of any Reserved Matters shall be made not later than 30 January 2016.

Reason: To comply with the provisions of Article 4 of the Town & Country Planning (Development Management Procedure) (England) Order 2010 and Sections 73 and 92 of the Town & Country Planning Act 1990 (as amended).

- 2 No development shall take place on each phase of the development pursuant to this permission, as identified on the phasing plan approved under condition 3, until detailed plans and information for that phase of the development pursuant to this permission regarding the following aspects of the proposed development (herein called "the Reserved Matters") have been submitted to and approved by the Local Planning Authority in writing, save for development approved by reserved matters approval ref. 09/01566/AS under outline planning permission 02/00278/AS (for development at Stour Meadows and amendments to roads), which shall be carried out in accordance with that approval.
The development shall be carried out in accordance with the detailed plans and information so approved.
 - a) The detailed means of access to the site for vehicles, pedestrians and cyclists;
 - b) The siting of all buildings;
 - c) The layout, position and widths of all proposed roads and footpaths and the means of connection to the existing highway and footpath network;
 - d) The design of all buildings including the colour and texture of facing and roofing materials;
 - e) The layout and design of foul sewers and surface water drainage facilities including any ditches, swales or other devices for the handling of surface water and the boundaries of drainage zones;

- f) The provision to be made for the parking, turning, loading and unloading of vehicles;
- g) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure;
- h) The finished levels, above Ordnance Datum, of any hard (non-porous) surfaces and of the ground floor of all proposed buildings (which in respect of all habitable buildings shall be at a level which allows for a 20% excess discharge rate over and above the undefended 1 in 100 year flood level), and the relationship of those levels to existing ground levels and to the comparable levels of any existing buildings adjoining the proposed development;
- i) Accurate plans showing the position, species, spread and condition of all existing trees on the site, in accordance with the provisions of British Standard BS5837 (Trees in Relation to Construction);
- j) A landscape planting scheme, including existing hedges and shrubs proposed for retention and areas of hard surfacing together with the finished levels in relation to existing levels;
- k) The manner of treatment of any existing watercourses or ditches.
- l) How the dwellings comply with the Residential Space Standards SPD.
- m) Details of on-plot refuse and recycling storage serving dwellinghouses and flats
- n) Details of motor vehicle parking facilities to the standards set out in the Residential Parking and Design SPD or such other standard as may be agreed by the LPA.

Reason: To comply with the provisions of Article 4 of the Town & Country Planning (Development Management Procedure) (England) Order 1995, Section 92 of the Town & Country Planning Act 1990 (as amended); to allow the proper consideration of the impact of the proposed development on the amenity value of the existing site; in the interests of tree preservation, amenity and to protect and enhance the amenity of the area, and to ensure that the proposal complies with the advice in PPS25.

- 3 Prior to the commencement of any building on the site a phased programme of works for the development pursuant to this permission, identifying the phases of development pursuant to this permission and their sequence of implementation, and within each phase all areas to be developed or left undeveloped (including the agricultural land) and sites for the Primary Healthcare Facility, Community Building (joint KCC/ABC facility), Play Areas, Primary School, Foodstore and retail units, Public Open Space, Pub/Restaurant and Church, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and programme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the proper planning of the development in accordance with the policy for Site 13.

- 4 No development shall take place on each phase until the completion of archaeological field evaluation works for that phase in accordance with a specification and written timetable which has previously been submitted to and approved by the Local Planning Authority in writing, and following on from the evaluation the implementation for that phase of:
- (i). any safeguarding measures including layout changes, identified in the evaluation as necessary and agreed by the Local Planning Authority to ensure preservation in situ of important archaeological remains and/or
 - (ii). further archaeological investigation including trial trenching and recording in accordance with a timetable and specification which has previously been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts.

- 5 All submissions of Reserved Matters shall accord with the adopted Cheeseman's Green Development Brief, unless previously agreed in writing by the local planning authority. All submissions of Reserved Matters shall be accompanied by a detailed statement explaining how they accord with the adopted Cheeseman's Green Development Brief, and in the case of any variations, explaining the nature thereof and how their environmental effects correspond with those assessed and addressed in the Environmental Statement,

Reason: In order to ensure that the objectives of the adopted Development Brief are met.

- 6 Except where a variation does not have significantly different environmental effects from the effects of the proposals assessed in the Environmental Statement dated February 2002 (as updated and amended in April 2002, October 2002, September 2005 and December 2011) and such variation is first authorised in writing by the Local Planning Authority, the development shall conform to the proposals so assessed, and shall be carried out in accordance with the approved Reserved Matters.

Reason: To ensure that the requirements of the Environmental Impact Assessment Regulations 1999 (as amended) and the EU directive are given effect.

- 7 No dwelling or other building or part thereof within a drainage zone shown on the plans approved in writing by the Local Planning Authority shall be occupied until works for the disposal of foul and surface water from that drainage zone have been provided on and/or off the site, in accordance

with the details and plans previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid flooding or pollution of the surrounding area.

- 8 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. Thereafter the interceptor shall be retained and maintained.

Reason: To prevent pollution of the water environment.

- 9 Before the first occupation of a dwelling works between that dwelling and the adopted highway shall be completed as follows:

- (a) Footways and/or footpaths shall be completed;
- (b) Carriageways shall be completed, with the exception of the wearing course, including (where appropriate) the provision of a turning facility beyond the dwelling together with related:
 - i. highway drainage, including off-site works,
 - ii. junction visibility splays,
 - iii. street lighting, street nameplates and highway structures if any.

And within one year of completion of items 1-3 the final wearing course shall be applied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 10 An accurate tree survey and tree categorization shall be carried out and subsequently used as the basis for a Tree Constraints Plan, in accordance with the recommendations of British Standard BS 5837, (Trees in Relation to Construction). The Tree Constraints Plan shall be submitted to and approved by the Local Planning Authority in writing prior to any works on site being commenced.

The applications for reserved matters approval in relation to each phase of the development shall be informed by the Tree Constraints Plan and any departure from its recommendations agreed in writing by the Local Planning Authority.

Trees selected for retention in accordance with the Tree Constraints Plan shall be plotted on a Tree Protection Plan, which shall contain the following

information:

- a) Trees selected for retention, clearly identified
- b) Trees to be removed, clearly identified
- c) The precise location for erection of protective barriers and any other relevant physical protection measures, including ground protection for the identified Root Protection Area, and marked as a construction exclusion zone on the plan
- d) Design details of the proposed physical means of protection, including any development facilitation pruning, which shall be described and carried out in accordance with BS 3998 (Recommendations for Tree Work)
- e) Areas of structural landscaping to be protected from construction operations to prevent the soil structure being damaged. The Tree Protection Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

An Arboricultural Method Statement which takes account of all construction operations to be undertaken in the vicinity of trees shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or of any works potentially affecting trees on site.

The Tree Protection Plan and Arboricultural Method Statement shall be implemented and overseen by a competent arboriculturist during the carrying out of the development, to the satisfaction of the Local Planning Authority.

Reason: In the interests of tree preservation and in order to protect and enhance the amenity and biodiversity of the area.

- 11 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All 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 hedges or hedgerows removed without the Local Planning Authority's prior consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity and biodiversity afforded by existing hedges or hedgerows.

- 12 No trenches for underground services or foundations shall be carried out

under or within 5 metres of the canopy of any tree which is identified on the approved plans as being retained or within 5 metres of any hedgerows also shown to be retained without the prior consent of the Local Planning Authority in writing.

- Reason:** To prevent damage to trees and hedgerows on the site.
- 13 All hard and soft landscape works for each phase of the development shall be carried out in accordance with the approved details for that phase. The works relating to each phase shall be carried out prior to the occupation of any part of the development on that phase or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 14 A landscape and public open spaces management plan for each phase, and a separate Woodland Management Plan for Captain's Wood, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of that phase of the development for its permitted use. The landscape and woodland management plans shall be carried out as approved.

Reason: To ensure the new landscaped areas and Captain's Wood are properly maintained in the interest of the amenity and biodiversity of the area.

- 15 No development shall take place on each phase of the development until details of the earth works for that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

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

- 16 Underground ducts shall be installed for each phase before any of the buildings in that phase of the development hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within that phase of the application site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that

Order no distribution pole or overhead line within the application site shall be erected without the express consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 17 The details of motor vehicle parking facilities approved under condition 02 shall be provided prior to the development to which they relate being occupied or brought into use and thereafter the facilities shall be retained for ancillary parking use and access thereto shall not be precluded.

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

- 18 Not used.

- 19 No development shall be commenced on each phase of the development until a scheme for the provision and implementation of a surface water regulation system for that phase that attenuates discharge to a maximum of 4 l/per sec/ha has been approved pursuant to condition 2 and no part of any development within each phase shall be occupied until the agreed scheme for that phase is implemented. The scheme shall incorporate the guidance in the Sustainable Urban Drainage SPD and include a maintenance programme for the facility, and establish future ownership and once implemented the scheme shall be retained and maintained as an effective system.

Reason: To prevent worsening of flood conditions downstream from the site in accordance with policy CS20 of the adopted Core Strategy.

- 20 The development hereby permitted shall have an overall net residential density of at least 30 dwellings per hectare and as further detailed in the adopted Cheeseman's Green Development Brief 2003.

Reason: To ensure the development makes the best use of Green Field land in accordance with PPG3 (as updated in January 2005).

- 21 Not used.

- 22 Not used.

- 23 Prior to the commencement of any construction work on a phase a method statement/code for construction work and maintenance during the construction period on the site shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved method statement unless previously agreed in writing by the Local Planning Authority. The code shall include

- (a) An indicative programme for the carrying out of the works,
- (b) Measures to minimise the production of dust on the site and to

- mitigate any that is generated
- (c) Measures to minimise the noise generated by the construction process to include the careful selection of plant and machinery, including use of noise barriers
- (d) Maximum noise levels expected 1m from the affected façade of any residential unit adjacent to the site
- (e) Design and provision of site hoardings,
- (f) Management of traffic visiting the site including the use of holding areas for vehicles visiting the site,
- (g) Provision of off road parking for all site operatives,
- (h) Measures to prevent the transfer of mud and other extraneous material onto the public highway
- (i) Code of practice for works adjacent to the railways,
- (j) Monitoring of groundwater and gas monitoring,
- (k) Measures to manage waste produced on site (whether through demolition/site clearance or of new building materials) and to maximise the recycling and reuse of such materials,
- (l) Measures to minimise the impact of vibration from the construction processes,
- (m) Measures to minimise the potential for the pollution of ground and surface water,
- (n) The location and design of site offices,
- (o) The location of vehicle access points to the site during construction.
- (p) The arrangements for consultation and liaison during the construction process with the residents and businesses adjoining the site.
- (q) Details of street cleansing including the removal of litter, sweeping, weed control, maintenance of lighting etc. prior to adoption by the Highway Authority.
- (r) Details of the maintenance of all other areas not forming part of any sale to an occupier/RSL until either adoption by a public body or transfer to a maintenance company.
- (s) A programme for the adoption of streets/footpaths/sewers/public open space where this is the agreed maintenance regime or for transfer to a maintenance company.

Reason: In the interest of minimising disruption to the surrounding area and nuisance to local residents.

- 24 Prior to the occupation of 500 dwellings on the site, a recycling facility for general household recycling products shall have been provided in accordance with details (including future management), which shall have previously been submitted to and approved by the Local Planning Authority in writing, and the facility shall subsequently be retained and maintained available for use in accordance with the approved details.

Reason: To foster greater recycling of materials in accordance with policies CC3 of the South East Plan and CS10 of the Core Strategy. .

- 25 Before any works commence on each phase details of existing and proposed levels at the boundary of the phase with the 1 in 100 year flood plain, and associated levels within the phase shall be submitted to and approved by the Local Planning Authority in consultation with the Environment Agency. The approved details for each phase shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the first dwelling on that phase and no land raising, unless accompanied by commensurate compensation measures within the site approved by the Local Planning Authority shall take place within the 1 in 100 year flood plain.

Reason: To avoid increased risk of flooding in accordance with policy CS19 of the Core Strategy and the advice in PPS25.

- 26 Before any building is occupied the vehicle turning areas relating to that building shall be provided in accordance with details approved pursuant to condition and the vehicle turning area shall be permanently retained available for this purpose.

Reason: So that vehicles may enter and leave the site in a forward gear in the interests of highway safety.

- 27 As part of the submission of the Reserved Matters addressing the site layout, details shall be submitted to and approved by the Local Planning Authority for the provision of bus routes, bus shelters and real time information displays and the approved facilities shall be provided in accordance with the approved details and a programme which shall have had the prior approval of the Local Planning Authority.

Reason: To encourage the use of public transport from and to the site.

- 28 Not used.

- 29 No more than 700 dwellings shall be occupied pursuant to this grant of planning permission unless and until the completion and opening to traffic of a new motorway junction on the M20 (referred to in SPG6 as junction '10a') or such other scheme of works substantially to the same effect which has first been approved in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: In order to comply with the Council's adopted formula for the apportionment of junction capacity at M20 Junction 10 and to prevent additional congestion at the junction. To ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 30 Other than the designated 'live / work' units, no more than employment floorspace equivalent to 1.5 Development Units (as defined in para. 6.2 of

the Council's SPG6, dated June 2004) shall be occupied unless and until the completion and opening to traffic of a new motorway junction on the M20 (referred to in SPG6 as junction '10a') or such other scheme of works substantially to the same effect which has first been approved in writing by the Secretary of State for Transport (in consultation with the Local Highway Authority) and thereafter approved in writing by the Local Planning Authority.

Reason: In order to comply with the Council's adopted formula for the apportionment of junction capacity at M20 Junction 10 and to prevent additional congestion at the junction. To ensure that the M20 motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 31 No development shall be occupied pursuant to this grant of planning permission before the completion and opening to traffic of either a vehicular access from Park Farm East which shall have been submitted to and approved by the Local Planning Authority, or the access referred to in condition 32 below.

Reason: To provide a safe and suitable means of access to the development.

- 32 Unless otherwise agreed in writing by the Local Planning Authority, no employment floorspace other than within designated live/work units and no more than 50 dwellings shall be occupied unless and until the access shown on Bellamy Roberts drawing No. 3851/RM/002C and 3851/RM/003D and in accordance with planning permission reference 10/00672/AS (known as the Interim Junction Scheme), or such other access as may be approved in writing by the Secretary of State for Transport and thereafter by the Local Planning Authority as being substantially to the same effect as the Interim Junction Scheme, has been completed and opened to traffic.

Reason: In order to ensure satisfactory access to the development in terms of highway safety and capacity, pursuant to Core Strategy policy CS15.

- 32A. Unless otherwise agreed in writing by the Local Planning Authority, no employment floorspace other than within designated live/work units and no more than 500 dwellings (or, if D1 agreed by the Local Planning Authority as set out below is greater than 500, D1 dwellings) shall be occupied prior to the completion and opening to traffic of the full (Bellamy-Gurner) junction shown on Bellamy Roberts drawing nos. 3651/RM/002A and 3651/RM/003A, and 3652/RM/002A to the northern side of the 'Footpath Diversion' crossing-point only, and in accordance with reserved matters

approval reference 09/00081/AS, or such other scheme of works as may be approved in writing by the Secretary of State for Transport and thereafter by the Local Planning Authority as being substantially to the same effect. Immediately following occupation of 475 dwellings, traffic surveys shall be carried out in accordance with a specification previously agreed in writing by the Local Planning Authority, after consultation with the Secretary of State for Transport and the local highway authority. The surveys shall establish the total number of motor vehicles entering and (separately) leaving the site (by any route) in the morning peak traffic hour and (separately) the evening peak traffic hour, and the number of dwellings occupied at the time of the surveys. The peak traffic hours during which the surveys shall be carried out shall be the peak traffic hours measured on the A2070(T) at the principal access from the site onto the A2070(T). The results of the surveys shall be submitted to and approved in writing by the Local Planning Authority, after consultation with the Secretary of State for Transport and the local highway authority. D1 shall be the maximum number of dwellings which the Local Planning Authority (after consultation with the Secretary of State for Transport and the local highway authority) agrees in writing can be occupied on the site without more than a total of 301 motor vehicles entering or leaving the site in any peak traffic hour.

Reason: Pursuant to Core Strategy policy CS15 and in the interests of highway safety and capacity, in order to ensure that the additional capacity at the A2070/Orbital Park Roundabout released by the Interim Junction Scheme is not exceeded without further improvement works being carried out, with that capacity being measured by reference to surveys of actual trip rates arising from the development.

- 32B. In Conditions 24, 29, 30, 32 and 32A the references to "dwellings" and "employment floorspace" and "development" shall mean dwellings and employment floorspace and development (as the case may be) on the site pursuant to this outline planning permission and/or pursuant to outline planning permission 02/00278/AS in combination

Reason: To ensure that all development on the site is subject to the conditions and constraints identified in the development plan, the Development Brief adopted February 2003, and the environmental, transport and other information supporting the application.

- 33 Before each unit of employment development pursuant to this outline planning permission is occupied or brought into use, a Green Travel Plan for that unit that accords with best practice and the principles of PPG13 shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authorities. The Travel Plan

shall contain:

- a) details of measures designed to achieve and maintain an appropriate target modal split of travel to and from that unit in accordance with the aims of the SATS Transport Plan;
- b) details of the methodology and timing of random traffic surveys at the unit site entrance and elsewhere to independently assess the actual modal split achieved not less than once every calendar year, and the method and frequency by which results of said surveys shall be provided in writing to the Local Planning Authority;
- c) the contact details of an individual who will be appointed as Travel Plan co-ordinator within his/her job description and who will act as a contact point for the Local Planning Authority and the manager of the measures set out within the Travel Plan;
- d) a mechanism for information to be provided to and agreed in writing by the Local Planning Authority on an annual basis (or as otherwise agreed in writing) setting out the measures forming the approved Travel Plan and performance against such measures over the relevant period;
- e) any other measures reasonably required by the Local Planning Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained in full in respect of each unit within 3 months of the occupation of the unit, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to realise a sustainable pattern of development in the area and to comply with the provisions of Supplementary Planning Guidance Note 6 and the South of Ashford Transport Plan.

34 Not used.

35 The use of the sales area of the proposed large retail store shall be limited to primarily A1 convenience goods with no more than 10% of the area being used for comparison goods sales without the prior consent of the Local Planning Authority.

Reason: In order to ensure the facility caters for the day-to-day needs of the occupants of the development in line with the requirements of PPS6.

36 Any further retail units to be provided shall be limited in size on the ground floor to no more than 150 sq m unless with the prior consent of the Local Planning Authority.

Reason: In order to ensure that additional retail facilities do not compete with the vitality and viability of other existing centres.

- 37 The combined built footprint of any building(s) within each employment development plot within the site shall not exceed 35% of each plot area without the prior consent of the Local Planning Authority, and a minimum of 20% of each development plot shall be used for 'soft' landscaping in accordance with policy S13 (d) of the Ashford Borough Local Plan 2000, unless the Local Planning Authority shall have agreed otherwise in writing.

Reason: In order to comply with the provisions of the Development Plan

- 38 The plot ratio of any employment development plot to be used for B1 uses shall not exceed 0.4:1 in accordance with policy S13 (e) of the Ashford Borough Local Plan 2000, unless the Local Planning Authority shall have agreed otherwise in writing.

Reason: In order to comply with the provisions of the Development Plan.

- 39 Between March and September of the year immediately preceding each submission of reserved matters for any phase of development, a survey for European and other protected species identified by the ES utilising a methodology that shall have been previously agreed with English Nature and Kent Wildlife Trust, shall be carried out on the site and surrounding area and the results of the survey shall be submitted in conjunction with any application for reserved matters, together with any details of proposed mitigation and its timing. The mitigation measures as approved shall be subsequently carried out should approval be given.

Reason: To ensure the protection of European and other protected species on the site.

- 40 Each building or house/flat approved under the terms of this permission shall be constructed to achieve:

(A) a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:

v) 'Excellent' standard in respect of energy credits

vi) 'Maximum' standard in respect of water credits

vii) 'Excellent' standard in respect of materials credits

viii) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions

OR (as the case may be)

(B) a minimum Code for Sustainable Homes (or subsequent equivalent quality assured scheme) Level 3 with 1 / 2 credits awarded under the Ene7

(Low and Zero Carbon Technologies) criterion (or subsequent equivalent criterion)

Unless otherwise agreed in writing by the Local Planning Authority, no work on each building or house / flat shall commence until the following for that building or house / flat have been submitted to and approved in writing by the Local Planning Authority:

(a) A feasibility study to establish the most appropriate local low and zero carbon (“LZC”) technologies to install and which, for non-residential schemes, shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements)

(b) Standard Assessment Procedure (“SAP”) calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed

(c) A BREEAM or Code for Sustainable Homes (as the case may be) ‘Design Stage’ report and related certification produced by a registered assessor

(d) Details of the measures and LZC and other technologies to be used to achieve the BREEAM credit requirements or the Code for Sustainable Homes Level and credit(s) specified above (as the case may be).

The development shall be carried out in accordance with the approved report and details. The approved measures and LZC and other technologies for achieving the BREEAM credit requirements and/or Code for Sustainable Homes Level and credit(s) (as applicable) specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no building or house shall be occupied until (i) and either (ii) or (iii) below (as the case may be) have been submitted to and approved in writing by the Local Planning Authority for that building or house:

(i) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions

(ii) a BREEAM ‘Post Construction Stage’ report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4

(iii) a Code for Sustainable Homes ‘Post Construction Stage’ report and related certification produced by a registered assessor confirming the Code level that has been achieved and the credits awarded under Ene7

Reason: In order to (i) achieve low carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a low carbon development through sustainable design features and on-site low and/or zero carbon technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD.

41.

The details submitted pursuant to Condition 2 shall show the provision of a water-butt to all dwelling houses and any single flats provided with a private amenity space and such butts shall be installed prior to occupation of the dwellings to which they relate.

Reason: To allow for the storage of rainwater on site for watering of soft landscaping and thereby reduce the demand for mains water on site.

42. No dwelling or single flat provided with a garden with soft landscaping shall be occupied until details of a residents' information pack in respect of the approved soft landscaping and tree planting on the Plot (or within communal areas) has been submitted and approved by the Local Planning Authority in writing. The residents' information pack shall comprise the following:-

- (a) appropriate graphic and written material to illustrate the details of landscaping to be provided on the Plot or within the relevant communal areas of flats together with similar material to identify how the landscaping is a component part of the street scene within which the Plot or block of flats is located,
- (b) details of the likely visual impact of the approved planting at maturity and the benefits of chosen species in terms of enhancing biodiversity
- (c) details of essential maintenance information per season to help residents and those managing communal areas maintain approved landscaping to maturity.

The approved details shall be given to the first occupier of the dwelling and also those managing communal areas at flats at first occupation.

Reason: In order to ensure that the approved soft landscaping and tree planting is understood by occupiers and those managing communal space and to help its early maturity.

- 43 At the same time as submissions pursuant to Condition 2 of this permission details shall be submitted to the Local Planning Authority in respect of bird and bat boxes together with a plan showing their spatial distribution in the relevant phase or sub-phase and approved by the Local Planning Authority in writing (following prior consultation with the Kent Wildlife Trust). Dwellings that are identified for provision of bird and bat boxes shall only be occupied following the provision and attachment of such boxes in accordance with the approved detail pursuant to this condition.

Reason: To ensure that the impact of the development is appropriately mitigated in terms of nesting opportunities for birds and bats.

44. Other than the designated Live/work units notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 dwelling houses 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.

- 45 Each of the following is required to be submitted to and approved by the Local Planning Authority in writing prior to their usage in any building:
- (a) the location and colour of rain water and soil pipes;
 - (b) the location, size and colour of external vents, grilles and flues in walls or the roof;
 - (c) 1:20 scale elevations and sections sufficient to identify the specific form and location of all external electricity and gas meter boxes and associated pipe work, together with their relationship to proposed adjacent ground levels whether hard or soft landscaped;
 - (d) 1:20 scale front and side elevations of any projecting, or Juliet style, balconies;
 - (e) 1:20 scale front and side elevations of any bay or oriel style windows;
 - (f) 1:20 scale front and side elevations of any flat or pitched roofed door canopies (including materials and finish, details of any supporting posts and related brick plinths and roofing

materials);

- (g) details sufficient to show proposed flashings at the intersections of roof planes between individual buildings combined to give continuous frontage to the street;
- (h) 1:20 scale front and side elevations of proposed any flat-roof and pitched-roof dormer windows.
- (i) 1:20 details of all proposed eaves and verge treatments, including the use of over fascia venting (or any methods obviating the need for such)
- (j) 1:20 scale elevations and sections of the ground floor street frontage windows and doors to mixed use units and mixed use units to be provided and marketed specifically for ground floor retail use.

and the development shall be constructed in accordance with the approved details.

Reason: In order to ensure that fine details are of a high standard, contribute to visual richness in the built environment and are complementary to the visual quality of the building within which they are incorporated.

- 46 (a) Prior to the approved soft landscaping works being commenced in accordance with the details required to be submitted pursuant to Condition 2 (and any subsequent variations to those details agreed in writing by the local planning authority) a 'soft landscaping implementation notice' shall have been served on the local planning authority in writing stating the date of commencement of landscaping works and the anticipated date of completion of the soft landscaping works within the relevant planting season.
- (b) Within 10 working days of the completion of the approved soft landscaping works other than for street trees a 'plot landscaping completion notice' shall have been served on the local planning authority in writing identifying the date at which the plot landscaping works were considered as being completed.
- (c) Within 10 working days of the completion of the approved soft landscaping works other than for plots a 'street tree landscaping completion notice' shall have been served on the local planning authority in writing identifying the date at which the street tree landscaping works were considered as being completed.

Reason: To enable the local planning authority to monitor soft landscaping

works for compliance with the approved soft landscaping details.

- 47 The layout details required to be submitted pursuant to Condition 2 of this permission shall be accompanied by layout plans (together with other plans and sections as may be necessary) to demonstrate the provision of level thresholds to all principal entrances of dwellings (and/or level thresholds accessed by shallow ramps where level thresholds cannot be provided linking the principal entrance of a dwelling to that which forms the public realm).

Reason: To ensure that dwellings will be accessible and are able to accommodate varying mobility needs over time.

- 48 (1) The total number of dwellings constructed on the site pursuant to this outline planning permission and outline planning permission 02/00278/AS in combination shall not exceed 1100 dwellings.
- (2) The total amount of business floorspace constructed pursuant to this outline planning permission and outline planning permission 02/00278/AS in combination shall not exceed 70,000 square metres;
- (3) Only one access junction to the Southern Orbital Road (A2070) shall be constructed pursuant to this outline planning permission and outline planning permission 02/00278/AS and full planning permission 10/00672/AS in combination;

Reason: To restrict development on the site to that which was envisaged in the Cheeseman's Green Development Brief (adopted on 27 February 2003) and to ensure that the impact of the development does not exceed the environmental, traffic and other effects of the proposed development as assessed through the documents submitted in support of the application and for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations.

Notes to Applicant

- 1 The applicant is advised to note the provisions of the Environmental Protection Act 1990 Part III with regard to noise.
- 2 The estate roads to be designed and built to adoptable standards in accordance with current requirements of the Highway Authority are to be subject to an adoption agreement under Section 38 of the Highways Act, which must be entered into before the development or any part of it is occupied.
- 3 The applicant's attention is drawn to the provisions of the Wildlife and Countryside Act 1981.
- 4 A footpath or other public right of way runs across or adjacent to the

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- application site and the applicant is advised to contact the Mid Kent Area PROW Team, Unit C, Marten Park, High Halden, Ashford, TN26 3JP to establish the precise implications thereof.
- 5 The applicant should ensure that surface water drainage is not directed to, or connected to, the public foul sewer.
 - 6 This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990, which affects the way in which the property may be used.
 - 7 The applicant is advised to contact those bodies responsible for the supply of gas, electricity, water, telephone and other such services as soon as possible to ascertain their requirements and to ensure that suitable provision is included within the detailed plans submitted to the Local Planning Authority pursuant to this permission. The applicant should take steps to ensure that the services are installed in a co-ordinated manner at the time of development and that electricity and telephone supply cables are placed underground. The applicant's attention is drawn to the guidelines set out in the National Joint Utilities Group Publication Number 2 (further details available from NJUG Secretariat c/o The Electricity Council, 30 Millbank, London SW1P 4RD).
 - 8 The applicant be advised that consent under the Building Regulations is required for the work proposed.
 - 9 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works in, on, over or within 8 metres of the Aylesford Stream. The applicant is advised to contact the Kent Area Office of the Environment Agency regarding the necessary approvals.
 - 10 This permission does not convey any approval for the required vehicular crossing or any other works within the highway for which permission must be obtained from Kent Highway Services Mid Kent Area Office, Doubleday House, St. Michaels Close, Aylesford, ME20 7BU.
 - 11 Reserved matters approval ref. 09/00081/AS (for development at Bilham Farm and construction of access and roads and to which lawful development certificate ref. 11/00876/AS refers), and reserved matters approval ref. 09/01566/AS (for development at Stour Meadows and amendments to roads), relate to outline planning permission 02/00278/AS and are not Reserved Matters approvals for the purpose of this outline planning permission.
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Application Number	11/01330/AS	
Location	Phase 1, Waterbrook Park, Waterbrook Avenue, Sevington, Kent	
Grid Reference	03251/40260	
Parish Council	Sevington	
Ward	Weald East	
Application Description	Development of a vehicle testing facility, a vehicle & plant storage/maintenance facility and class B1,B2 and B8 small business units together with associated highway & earthworks on land	
Applicant	GSE Waterbrook Ltd, The Mews, Princes Parade, Hythe, CT21 6AQ	
Agent	Mr M Page, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone ME14 3EN	
Site Area	12.7 hectares	
(a) 24/-	(b)	(c) KHS X; HA X; PROW X; KCC (Heritage) X; PO (drainage) X; SG X; EHM X; NE X; KWT X;

The Strategic Sites and Design Manager drew Members' attention to the Update Report. The Ward Members for Weald East and Highfield both supported the application.

The Ward Member for South Willesborough attended and spoke on the proposed conditions.

Resolved:

(A) That for the following reasons the Planning Committee Permit this application:

1. Any potential significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions.
2. The site is within a designated employment area where there is no objection to the principle of the proposed development.

3. The traffic movements generated by the development could be accommodated without detriment to highway safety, subject to conditions.
 4. The applicant has demonstrated that there is a need for the proposed development in this location.
 5. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.
 6. The planning obligations are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.
- (B) Subject to the applicant first entering into a Section 106 agreement in respect of planning obligations as detailed in Table 1, on terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.**

Table 1

Detail	Amount	Trigger points
<p>SPG6 – South of Ashford Transport Study</p> <p>Contribution towards cycleways and improvements to public transport and works associated with strategic highway works including junctions 10 and 10A of the M20. Provide details of floorspace commenced and occupied and limit on construction of more than 0.9733 DUs of floorspace</p>	£348,712 for each Development Unit	<p>50% of the payment prior to commencement</p> <p>25% of the payment prior to occupation of more than 0.3244 DUs of floorspace</p> <p>25% of the payment prior to occupation of more than 0.73 DUs of floorspace</p>
<p>Carbon Off-Setting Contribution</p> <p>Contribution to the</p>	To be calculated using the shadow price of carbon set out	Payable within 15 days of the Council's approval of the post

Ashford Carbon Fund based on the residual carbon emissions of each building set out in the approved post construction assessment and quantified over 10 years	in the Sustainable Design and Construction SPD	construction assessment
Travel Plan Submit a travel plan to be approved by the Council which aims to reduce car use by occupiers and encourage alternative modes of transport. Payment of a bond to be drawn upon by the Council in case modal split targets are not achieved Implementation of the approved travel plan.	Amount of bond to be agreed	Travel plan to be approved prior to first occupation To be implemented and bond paid within 3 months of first occupation. To be reviewed at the end of each year for 5 years and any changes implemented at the start of the following year
Travel Plan Monitoring Fee Contribution towards the cost of monitoring compliance with the travel plan and helping to ensure its success	£10 000	£1000 upon submission to the Council of the draft travel plan, and £9000 on the anniversary thereof for 4 years
Bus Access Permit buses to use Waterbrook Avenue and the roads within the site	N/a	Upon completion of the roads

Monitoring Fee Contribution towards the Council's costs of Monitoring compliance with the agreement	£5000	Upon commencement of development
<p>All contributions to be index linked (from the date of the Committee's resolution, except in the case of the SPG6 contribution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs</p>		

(C) Permit

Subject to the following conditions and note:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission; written notice of the date of commencement shall be provided to the Local Planning Authority within 7 days of such commencement.

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 unit forming part of the development shall be occupied until works for the disposal of sewage have been provided on the site to serve that unit in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper sewage disposal and avoid pollution of the surrounding area.

3. (a) No development shall begin until:
- (i) the surface water drainage works for which detailed permission is hereby given have been refined into a detailed surface water drainage scheme for the site, incorporating sustainable drainage principles to include ditches, swales, wetland, ponds, reed beds, permeable paving and such other surface water storage as may be agreed. Such scheme shall include:
- a design and location for control devices to ensure that surface water discharge to the East Stour River from the site is restricted to no more than 4 litres per second per hectare for storm events up to and including a 1:100 year event.
 - a programme of works for the provision of each item within the scheme, identifying the precise stage of the development by which each item, and the scheme as a whole, shall be provided and made available for use.
 - details of the maintenance and management arrangements for the scheme thereafter.

and

- (ii) such scheme has been submitted to and approved in writing by the Local Planning Authority.
- (b) Each item within the approved scheme, and the scheme as a whole, shall subsequently be provided strictly in accordance with the approved details and programme of works, or such other programme as may have first been approved in writing by the Local Planning Authority, and thereafter retained and maintained in effective working order in accordance with the maintenance and management arrangements set out in the approved scheme, or such other arrangements as may have first been approved in writing by the Local Planning Authority.
- (c) No built development, nor the creation of any hardstanding or other area which could result in the need for discharge of surface water from the site, shall be begun until the relevant works to provide effective attenuation of surface water arising have been provided as indicated in the approved programme of works and approved by the Local Planning Authority in writing.

Reason: To ensure the disposal of surface water from the site to prevent the increased risk of flooding and provide sustainable drainage systems in

accordance with policy CS20 of the Local Development Framework Core strategy.

4. All surface water drainage from parking areas and hard standings shall be passed through an oil interceptor designed and constructed to have capacity and capability compatible with the site being drained. Roof water shall not pass through the interceptor. Such interceptor shall thereafter be retained and maintained.

Reason: To avoid pollution of the surrounding area.

5. Before the first occupation of each area forming part of the development, the following works between that area and the adopted highway shall be completed:
 - (a) Footways/cycleways, with the exception of the wearing course:
 - (b) Carriageways, with the exception of the wearing course, including the provision of agreed turning facilities together with related highway drainage, including off-site works,
 - (c) Junction visibility splays, street lighting, street nameplates and highway structures if any.

The relevant wearing courses shall be completed within one year of the first occupation of any sub-phase of the development and the works as completed shall thereafter be retained and maintained.

Reason: In the interest of highway safety

6. Prior to work commencing on any building, details of the slab level, the external finished levels and building floor levels of the proposed building shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out to the approved levels.

Reason: In the interests of visual amenity

7. Prior to the commencement of any works a method statement for construction work on the site shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved method statement unless previously agreed in writing by the Local Planning Authority. The statement shall include:
 - (a) An indicative programme for the carrying out of the works.
 - (b) Measures to minimise the production of dust on the site and to mitigate any that is generated.

- (c) Measures to minimise the noise generated by the construction process, to include the selection of plant and machinery and the use of noise barriers.
- (d) Maximum noise levels expected 1m from the affected façade of the following residential properties; Orchard Cottage, The Paddocks, 1 & 2 Maytree Cottages, Ashdown/Ashdown Cottage, Bridge Cottage and Imber.
- (e) Design and provision of site hoardings.
- (f) Management of traffic visiting the site including the use of Waterbrook Avenue as a holding area for vehicles visiting the site.
- (g) Provision of off road parking for all site operatives.
- (h) Measures to prevent the transfer of mud and other extraneous material on to the public highway.
- (i) A code of practice for works adjacent to the railways.
- (j) Monitoring of groundwater and gas monitoring.
- (k) Measures to manage waste produced on site (whether through demolition/site clearance or new building materials) and to maximise the recycling and reuse of such materials.
- (l) Measures to minimise the impact of vibration from the construction processes.
- (m) Measures to minimise the potential for the pollution of ground and surface water.
- (n) The location and design of site offices.
- (o) The location of vehicle access points to the site during construction.
- (p) The arrangements for consultation and liaison during the construction process with residents and businesses adjoining the site.

Reason: In the interest of protecting the amenity of surrounding residents, highway safety and avoid pollution of the surrounding area

8. Prior to the occupation of any built development, details and a timetable shall be submitted to and approved by the Local Planning Authority in writing for the provision of bus stops (which shall incorporate bus shelters, bus boarders

and real time information displays together with details of their maintenance) along Waterbrook Avenue and the new access roads.

Such works shall be carried out to the approved timetable and in accordance with the approved details unless the Local Planning Authority otherwise agrees in writing. The displays shall be maintained in accordance with the approved timetable

Reason: In order to enhance public transport links to the site.

9. Prior to the occupation of the VOSA building, an acoustic barrier shall be constructed along the edge of the roadway/yard between the building and Orchard Cottage, the barrier being 5m high and 60m long, its design and precise location to be previously agreed in writing by the Local Planning Authority before construction of the barrier commences, and thereafter the barrier shall be retained and maintained as approved.

Reason: In the interests of protecting the residential amenity of surrounding residents and visual amenity

10. All industrial processing shall only take place in the building(s) identified for such use on the approved plans, and no such work shall be undertaken in any building unless all doors and windows of that building are shut, other than when access to the buildings is required. No storage of materials shall take place outside the area(s) previously specified in writing for that use on the approved plans. The height of any storage within that area shall not exceed 4 metres above ground level.

Reason: In the interests of protecting the residential amenity of surrounding residents.

11. Prior to the commencement of development, a methodology shall be submitted to and approved in writing by the Local Planning Authority, for the following detailed population surveys, which shall be undertaken in advance of any further site clearance or development: Amphibians (including Great Crested Newts); Reptiles (including Slow Worm, Common Lizard and Grass Snake); Breeding Birds (including Barn Owl); Water Voles; and such surveys shall be repeated on an annual basis at the times appropriate to the species concerned and in accordance with best practice guidance as issued by Natural England, until the completion of the development. The population survey results shall be used to inform an appropriate mitigation strategy for each species (as further provided for below), illustrating how the populations are to be maintained, and monitored.

- (a) Reptiles and Amphibians: No works or site clearance or pond/ditch filling/drainage shall commence on site until a mitigation scheme or schemes (if appropriate) for the protection and benefit of any identified

Great Crested Newts, Slow Worms, Grass Snakes and Common Lizards for either retention on site and/or translocation of such species to a site or sites, together with full details of the monitoring and maintenance of such translocation sites in perpetuity has been submitted to and approved in writing by the Local Planning Authority and any necessary European Protected Species Licences applied for and obtained. The mitigation scheme(s) shall be phased with the implementation of the development. The approved mitigation scheme(s) shall, unless otherwise agreed by the Local Planning Authority in writing, be implemented in full in accordance with an agreed timetable, and thereafter maintained and no development or site clearance shall take place contrary to such scheme(s).

- (b) Water Voles: No works or site clearance within 5 metres of the bank tops of water courses, ditches or ponds within the site shall take place until a scheme of enhancement of habitat for any identified Water Voles has been submitted to and agreed in writing by the Local Planning Authority. The enhancement scheme shall include a long term habitat management plan and arrangements for monitoring populations, together with details of how this will be carried out and maintained in perpetuity. The approved mitigation scheme, unless agreed in writing by the Local Planning Authority, shall be implemented in full in accordance with an agreed timetable, and thereafter maintained, and no development or site clearance shall take place contrary to such a scheme.
- (c) Breeding birds: No work shall take place until a mitigation scheme for any identified protected breeding birds has been submitted to and approved by the Local Planning Authority, and the approved scheme shall be implemented in accordance with an agreed timetable and thereafter retained and maintained.

Reason: in the interests of protecting the ecology of the area.

- 12. Prior to the commencement of development, details for each building of doors and fenestration, including cross sections of the elevations to show cills and reveals, eaves and parapets and jointing of any cladding or brickwork at a scale of 1:20, details and samples of bricks, tiles and cladding materials to be used externally, details of any external plant shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development of each building shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual amenity.

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13. Details of any external lighting shall be submitted to and approved by the Local Planning Authority before being installed on site; such lighting shall comply with the Institute of Lighting Engineers Guidance Notes in respect of the need to reduce light pollution to a minimum and thereafter such lighting shall be retained and maintained as approved.

Reason: In order to avoid unacceptable light pollution of the area.

14. Prior to the commencement of the development of any and each plot, final details of the hard and soft landscaping for that plot shall be submitted to and approved in writing by the Local Planning Authority, together with details of the phases of implementation of it, and these works shall be carried out as approved, unless otherwise agreed in writing with the Local Planning Authority. The details required to be submitted and approved shall include proposed finished levels or land contours; means of enclosure; all hard surfacing materials; minor artefacts and structures (e.g. furniture, art, refuse or other storage units (including litter and dog bins), signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables etc indicating lines, manholes, supports etc) together with full details of ground preparation and maintenance. All trees, shrubs and other soft landscaping approved and planted and hard landscaping approved and provided on plots shall be maintained in accordance with the agreed scheme of maintenance for a period of 5 years following the implementation of the scheme, and such maintenance shall include the replacement in the next planting season of any tree or plant which dies or becomes diseased, is removed or becomes seriously damaged with another of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

15. Any public right of way crossing the site shall be kept free of obstructions until such time as it may be formally diverted.

Reason: To ensure the continued unobstructed provision of public rights of way.

16. The motor vehicle parking facilities for each unit forming part of the development shall be provided prior to the unit to which they relate being occupied or brought into use, and thereafter those facilities shall be retained and maintained for ancillary parking use and access thereto shall not be precluded.

Reason: Development without the provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconveniently to other uses.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written 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.

18. No building shall be occupied until space has been laid out within that site for bicycles to be parked in accordance with the details that have been submitted and approved in writing by the Local Planning Authority, and these cycle spaces shall subsequently be retained and maintained available for use by staff and visitors to the premises.

Reason: To ensure the provision of adequate parking facilities for bicycles in the interests of highway safety.

19. Unless otherwise agreed with the Local Planning Authority in writing, no building shall be occupied until cycle changing/shower/locker facilities have been provided for that building (whether in that building or in an adjoining one) in accordance with details that shall have been submitted to and approved by the Local Planning Authority in writing, and these facilities shall subsequently be retained and maintained available for use by staff and visitors to the premises.

Reason: In order to promote cycling as a means of transport to work in the interest of providing alternative non car based modes of transport.

20. Any facility for the storage of oils, fuels or chemicals shall be sited within impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the largest group of interconnected tanks, which ever is the larger, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed, with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be constructed to discharge downwards into the bund. All such bunds and associated equipment installed shall thereafter be retained and maintained.

Reason: In order to avoid the pollution of the surrounding area.

21. All trees planted shall be protected against stock and rabbits and appropriately staked when planted, in accordance with details that shall have been previously agreed with the Local Planning Authority in writing, and such protection shall be retained and maintained at all times.

Reason: In the interests of tree protection on site.

22. Underground ducts shall be installed before each of the buildings hereby permitted is occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 1995 or any other Order or any subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the application site without the express consent in writing of the Local Planning Authority.

Reason: To enable telephone services, electricity services and communal television services to be connected to any premises within the application site without recourse to the erection of distribution poles and overhead lines and in the interest of visual amenity.

23. No development hereby approved (other than engineering work approved in detail by grant of this permission) shall commence unless and until the works shown on Bellamy Roberts drawing no 3851/RM/002c and in accordance with permission ref. 10/00672/AS apart from those works at the proposed access to Cheeseman's Green which would not become part of the A2070 trunk road (known as the Interim Junction Scheme), or such other works as may be approved in writing by the Secretary of State for Transport and thereafter by the Local Planning Authority as being substantially to the same effect as the Interim Junction Scheme, have been completed and opened to traffic.

Reason: To ensure that additional capacity at the A2070 Orbital Park Roundabout released by the interim junction scheme is not exceeded

24. No part of the development hereby permitted shall be begun until a scheme to deal with any contamination has previously been submitted to and approved in writing by the Local Planning Authority for that part of the site to be developed. Thereafter, no part of the site shall be occupied unless and until the measures approved in that scheme for that part of the site have been implemented. The investigation report shall be conducted and presented in accordance with the guidance in CLR11 "Model Procedures for the Management of Contaminated Land" published by the Environment Agency. The scheme shall include all of the following measures unless the Local Planning authority dispenses with any such requirement specifically and in writing.
- (a) A desktop study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desktop study is commenced and it shall conform to any such requirement. Two full

written copies of the desktop study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

- (b) A site investigation shall be carried out by a competent person to characterise fully and effectively the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - (i) A desktop study has been completed, satisfying the requirements of paragraph (a) above.
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - (iii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

- (c) A written method statement for the remediation of land and/or groundwater contamination affecting the site, taking account of impacts on protected species, archaeology and habitats and trees shown to be retained, shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

Reason: To control pollution of land and water in the interest of the environment and public safety

- 25. Prior to the occupation of the first building pursuant to this permission, the applicants shall submit for the written approval of the Local Planning Authority a restoration and management plan and timetable for the topsoiling and grass seeding of the filled areas, and the landscaping/restoration of the cut areas in accordance with the after uses proposed in the documents and the Great Crested Newt strategy to be agreed, and the works shall be carried out in accordance with the agreed programme and the areas thereafter maintained.

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

26. The development shall be carbon neutral. Each building hereby approved shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Excellent' standard comprising the following minimum elements:
- i) 'Excellent' standard in respect of energy credits
 - ii) 'Maximum' standard in respect of water credits
 - iii) 'Excellent' standard in respect of materials credits
 - iv) under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 10% reduction in carbon emissions

Unless otherwise agreed in writing by the Local Planning Authority, no work on a building shall commence until the following for that building have been submitted to and approved in writing by the Local Planning Authority:

- a) A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which, for non-residential schemes, shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements)
- b) Standard Assessment Procedure ("SAP") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed
- c) Details of a BREEAM 'Design Stage' report and related certification produced by a registered assessor
- d) Details of the measures and LZC and other technologies to be used to achieve BREEAM credit requirements specified above.

The development shall be carried out in accordance with the approved report and details.

The approved measures and LZC and other technologies for achieving the BREEAM credit requirements specified above shall thereafter be retained in working order unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, no building shall be occupied until a) and b) below in respect of that building have been submitted to and approved in writing by the Local Planning Authority:

- a) SAP calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions
- b) a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4

Reason: In order to (i) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (ii) seek to achieve a carbon neutral development through sustainable design features and on-site sustainable energy technologies and (iii) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and advice in PPS1 and the Supplement to PPS1

27. All vehicles shall only enter the development sites (other than the VOSA site) between 07:00 and 19:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays, and no vehicles shall enter or leave those sites at any time on Sundays or Bank or Public Holidays, except with the prior written consent of the Local Planning Authority.

Reason: In the interest of protecting the amenity of the surrounding residents.

28. No operations shall take place on the development sites (other than within the VOSA site area) except between 07:00 and 19:00 hours on Mondays to Fridays and 08:00 and 13:00 hours on Saturdays, and no operations shall take place on those sites at any time on Sundays or Bank or Public Holidays, except with the prior written consent of the Local Planning Authority.

Reason: In the interest of protecting the amenity of the surrounding residents.

29. 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.

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.

30. The exit doors of the VOSA building shall remain closed whilst inspections/testing are in progress, between 23.00 and 07.00 hours.

Reason: In the interest of protecting the amenity of the surrounding residents.

- 31 A landscaping plan shall be submitted to and approved by the Local Planning Authority detailing the Green Infrastructure to be provided throughout the site. This should look to contain a network of hedgerow and grassland habitat that connects the scrub and woodland with the floodplain and green or brown roofs on all roofs of buildings where possible. The scheme shall be carried out in accordance with the approved details.

Reason To provide habitat for biodiversity to extend and enhance habitat within the locality

Note to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

Application Number	11/00645/AS
Location	Wolfson House, Upper Bridge, Street, Wye, TN25 5AN
Grid Reference	05478/46682
Parish Council	Wye with Hinxhill
Ward	Wye
Application Description	Erection of building to accommodate 6 x 2 bedroom flats and 4 x 1 bedroom flats along with the provision of 16 car parking spaces, refuse store, cycle storage and landscaping
Applicant	Mr G Dixon
Agent	Savills I & P Ltd 74 High Street Sevenoaks Kent tn13 1 JR
Site Area	0.15ha

- (a) 50/71 R, 1X petition 153 signatories and a petition of 11 signatories. Further 66 letters as a result of re-consultation on amended details
- (b) R
- (c) KH R EHM (EP) X, Spokes R, PO X, Kent Police R, Wye Village Design R

In accordance with Procedure Rule 9.3 Ms Chissell, a local resident, spoke in objection to the application. She advised the Committee that the owners of the site had not consulted with local residents regarding the proposal. There had been unanimous opposition to the scheme. The site already had permission for conversion into six flats. Should the proposal be granted permission it would result in further congestion in Upper Bridge Street, and the proposed extra parking provision would make little difference. 153 residents had signed a petition against the proposal. There was a need for more family homes in Wye, however these provided little outside space. The site was within an Area of Outstanding Natural Beauty and it should be enhanced not detracted from as would happen should this proposal be permitted. She urged the Committee to support the Officers Recommendation.

In accordance with Procedure Rule 9.3 Mr McFee from Wye with Hinxhill Parish Council, spoke in objection to the application. He advised that there had been numerous objections to the application and commended the Officers Report. It was unfortunate that the applicant, Imperial College, did not consult with local residents. Limited information was submitted with the application so the Parish Council had commissioned a 3D model to show how the proposal would impact upon Upper Bridge Street. He was certain that the proposal would have been unopposed if the development was appropriate to the location. This was a prominent corner in the village and it should be enhanced. The development would be 67 units per hectare which would result in overdevelopment of the site and provide limited amenity space for its occupiers. He urged Members to refuse the application.

The Ward Member attended and spoke in objection to the application.

Resolved:

Refuse

on the following grounds:

1. The proposal would be contrary to Policies H5 and BE6 of the South East Plan 2009, Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policies TRS1 of the Tenterden and Rural Sites DPD 2010, Policies EN16 and HG5 of the Adopted Ashford Borough Local Plan 2000; Central Government policy contained in PPS1, PPS3 and PPS5; the adopted Ashford Borough Council Residential Parking SPD 2010 and the adopted Wye Village Design Statement and would therefore be harmful to matters of acknowledged planning importance for the following reasons:
 - (a) The development pays no regard to the prevailing urban grain or context of the site due to the type, form, bulk and amount of

development proposed together with the layout. The development would be incongruous and out of keeping in this context and consequently out of character with and detrimental to the visual character of the surrounding area.

- (b) The proposed development by reason of its design and massing on this important corner, lying within the Wye Conservation Area, and close by to Listed buildings will have a detrimental effect on the character of the Conservation Area, the setting of the listed buildings and the street scene. It will not make a positive contribution to the character of the area
- (c) For reasons given above the development would provide very limited opportunities to soften the scheme due to the amount and location of the development on the site.
- (d) The proposed development fails to provide sufficient car parking in accordance with Ashford Borough Council's Adopted Residential Parking and Design SPD, any increase in on- street parking is likely to cause issues of highway safety for all road users in Upper Bridge Street.

Application Number	11/01116/AS
Location	Tesco Store, Moat Field Meadow, Kingsnorth, Ashford, TN23 3LU
Grid Reference	00571/39861
Parish Council	Kingsnorth
Ward	Park Farm North
Application Description	Variation of condition 34 of 11/00068/AS for various minor material amendments to include provision of a draught lobby at the entrance, various amendments to the internal layout and external appearance, installation of an ATM pod on the south east elevation, retention of the existing layouts of the roundabout, service yard entry and petrol filling station, reduction in the number of parking spaces and alterations to car parking layout including the location of the bus stop, relocation of the sprinkler tank with fencing around it and amendment to the landscaping scheme.

Applicant	Tesco Stores Limited		
Agent	DDP LLP, Audrey House, Ely Place, London, EC1N 6SN		
Site Area	4.75 hectares		
(a) 33/3R	(b) R	(c) KHS S	

The Strategic Sites and Design Manager drew Members' attention to the Update Report. An incorrect location plan was attached to the report, the correct one was contained at appendix 2 of the Update Report.

In accordance with Procedure Rule 9.3 Mr Holmes, the agent, spoke in support of the application. He advised Members that the application related to minor material amendments which had been made to improve functionality of the site. A wind lobby had been installed along with amendments to the car park layout. There had been no change to the architectural details and there had been no increase in floorspace. Retrospective permission was never a preferred option however there had been a pressing need to ensure that the works were carried out within the funding period. There had been a reduction in car parking spaces however the layout ensured that vehicles were able to navigate the site more easily. Operationally there was no need for the additional spaces, these were surplus to requirements and were not conducive to the sustainable travel plan. If the parking provision were insufficient then Tesco would not have entertained reducing the number of spaces on site. The car parking and other amendments had been well received by shoppers and he urged the Committee to support the Officers Recommendation.

Resolved:

(A) That for the following reasons the Planning Committee Permit this application:

1. The proposal is acceptable in terms of impact on the town centre.
2. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.
3. The traffic movements generated by the development could be accommodated without detriment to highway safety or capacity.
4. The development would not harm highway safety.
5. The development would respect the context of the site and would not be harmful to the street scene.
6. Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be controlled by conditions.

(B) Subject to the applicant first entering into a Section 106 Agreement in respect of planning obligations related to the below (or through an appropriate alternative mechanism that secures the same) on terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations as they see fit:

1. Carbon off-setting
2. Travel Plan
3. Travel Plan monitoring fee
4. SPG6 contribution
5. Monitoring fee to ABC

Table 1

Planning Obligation			
	Detail	Amount(s)	Trigger Point(s)
1	<p>Carbon Off-Setting Contributions</p> <p>Contributions to the Ashford Carbon Fund based on the residual carbon emissions of the extension to the supermarket building as set out in the approved post construction assessment for the extension and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the relevant post construction assessment</p>
2	<p>Travel Plan</p> <p>Submit a travel plan to be approved by the Council which</p>	<p>n/a</p>	<p>Travel Plan to be approved and take effect prior to occupation of the food store</p>

	aims to (i) reduce the dependence of employees on single occupancy private car travel, and (ii) encourage employees and customers to make more sustainable travel choices when travelling to and from the store. The travel plan shall contain (a) initial modal share targets, (b) targets for reduction in vehicular trips and an increase in sustainable travel, (c) the measures to be taken to achieve the targets, (d) remedies in the event targets are not achieved.		extension
3	Travel Plan Monitoring Fee Contribution towards the cost of monitoring compliance with the travel plan and helping to ensure its success	£5000	£1000 upon approval by the Council of the travel plan and £1000 on the anniversary thereof for 4 years
4	SPG6 Contribution Contributions to the South of Ashford Transport Study on the basis of the development generating 0.568 DUs (after taking	£198,068 (indexed)	(a) 50% prior to implementation of the permission and (b) 50% prior to occupation of the store extension.

	into account the 40% diversion of existing trips).		
5	Monitoring Fee Contribution towards the Council's costs of monitoring compliance with the agreement	£1000	Payable prior to commencement of development
<p>All contributions to be index linked (normally from the date of the Committee's resolution), in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>			

(C) Authority be delegated to the Joint Development Control Managers to thereafter issue the decision notice with any further conditions or minor changes to the conditions set out below as deemed relevant.

(D) Permit

Subject to the following conditions and notes:

1. The development hereby permitted shall be begun before the expiration of 3 years from the 15th July 2011.

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 details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. The works shown in the landscaping scheme for the site shown on Drawing No. 4976/PP/04/ Rev. C, Tree Protection Plan shown on Drawing No. AA/TPP/03 and revised Landscape Specification and Maintenance Schedule submitted with the application shall be carried out fully within 12 months of the ground floor areas in the approved extensions being brought into use. 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 and to ensure that any new planting is acceptable in terms of its contribution towards achievement of increases in bio-diversity at the site.

4. The litter bins shown on Drawing No. 1977/P/66 Rev. D shall be installed prior to the ground floor areas in the approved extensions being brought into use and, thereafter shall be retained in effective working order in perpetuity.

Reason: To ensure that customers of the store are adequately provided for in terms of access to well-maintained litter bins in order to assist in the maintenance of a visually attractive, litter free site. The provision of additional litter bins will also assist to reduce the amount of air-borne litter that is picked up from within the site and deposited outside the site with concomitant visual detriment.

5. The benches to be relocated for customers waiting for the arrival of the shopping bus as shown on Drawing No. 1977/P/10 shall be provided in the approved location prior to the ground floor areas in the approved extensions being brought into use and thereafter shall be retained in perpetuity for the benefit of those customers. Following the provision of the benches shown on Drawing No. 1977/P/10, the existing benches adjacent to the existing shopping bus pull-in area on the south east facing elevation of the store shall be permanently removed and no other seating externally shall be provided without the written approval of the Local Planning Authority.

Reason: In order to meet the needs of customers waiting at the shopping bus pull-in area and, at the same time, to help reduce anti-social behaviour generally and anti-social behaviour around the existing store entrance specifically.

6. The new shopping bus pull-in area shown on Drawing No. 1977/P/10 shall be retained available for shopping bus use only in perpetuity.

Reason: In order to ensure the retention of the shopping bus pull-in facility for the benefit of customers and to help facilitate the use of this service in the interests of helping to reduce the need for individual motorised travel to the site, especially for elderly people.

7. The 46 no. cycle parking facilities shown on Drawing No. 1977/P/10 shall be retained in perpetuity and access thereto shall not be precluded.

Reason: In order to meet the needs of cyclists using the store and to assist promotion of cycling to the store as a sustainable local means of transport through the provision of the necessary related security facilities.

8. The trolley-lock system proposed by the applicant and detailed in the applicant's agents' letter dated 06/06/2006 and supporting material received 08/06/2006, submitted under planning permission reference 05/0688/AS, shall have been fully installed on all trolleys provided for the use of customers at the site and the related system equipment shall have been installed at all exits to the site to the surrounding public highway. Thereafter, the trolley-lock system shall be retained in full working order and operated in perpetuity.

Reason: In order to prevent trolleys being removed from the site and dumped in the surrounding streets and other public spaces to the detriment of the visual quality of the surrounding area.

9. The trolley parking areas shown on Drawing No. 1977/P/66 Rev. D shall be retained in perpetuity and access thereto shall not be precluded.

Reason: In order to provide facilities for the effective management of trolleys in the interests of the safety of customers and those moving through the site on bicycle and in vehicles.

10. The CCTV cameras shown on Drawing No. 1977/P/41 Rev. A shall be fully installed within three months of the date of this permission, and thereafter, the approved CCTV system shall be retained in fully operational condition and shall be operated for so long as the store continues to trade.

Reason: To improve the security of the external areas of the site serving customers and to help prevent anti-social behaviour and deter crime within the site.

11. The lighting arrangements for the new area of car park and service yard as shown on Drawing No. 1977/P/41/Rev. shall be installed prior to the new area of car parking being available for use and thereafter maintained in accordance with the approved details. No other external lights shall be provided without the written approval of the Local Planning Authority.

Reason: In order to ensure that new lighting arrangements are appropriate to the context of the site and its surroundings and avoid light pollution that would be to the detriment of the nearby residential occupiers

12. The extended areas to the main store hereby permitted shall not be open for trading outside the hours of 0700 to 2200 Monday to Saturday and 0800 to 1800 on Sundays and Bank and Public Holidays.

Reason: In the interests of the amenity of the locality.

13. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 Schedule 1, Class I no advertisement shall be placed within one metre of any window or other opening through which it would be visible from outside the building from a distance of 19 metres (or any other distance agreed with the Local Planning Authority in writing) measured from the south-east corner of the building along its south-east facing frontage and all glazing within this zone shall only be installed as clear glazing which shall thereafter be retained in perpetuity and shall not be obstructed by furniture or other articles.

Reason: In order to ensure that the repositioned seating along the south-east frontage of the store benefits from the maximum amount of borrowed light from the interior of the building through clear glass without integral advertisement or applied internal advertisement and in order to assist in the visual surveillance of external customer seating.

14. No more than 1,742 sq. metres of floor space (whether internal or external) shall be used for the sale of comparison goods.

Reason: It is necessary to ensure that the vitality and viability of existing strategic centres is not undermined by individual or cumulative retailing proposals in other locations, and any changes to the amount of comparison goods floor space and in particular the amount of comparison floorspace to be used for the sale of clothing, would need to be assessed in relation to the provisions of PPS4 in order to assess the impact of such proposals on the town centre.

15. No more than 5,805 sq m of the building as extended shall be used for retail sales, and no further retail floorspace shall be created internally or externally without the prior written consent of the Local Planning Authority. No external areas of the site shall be used for retail sales without the prior written consent of the Local Planning Authority.

Reason: It is necessary to ensure that the vitality and viability of existing strategic centres is not undermined by individual or cumulative retailing proposals in other locations, and any changes to the amount of retailing floor space would need to be assessed in relation to the provisions of PPS4 in order to assess the impact of such proposals on the town centre.

16. No fewer than 343 car parking spaces shall be provided as shown on Drawing No. 03/055/P-02 Rev N and those spaces shall be laid out as shown unless otherwise agreed in writing by the Local Planning Authority, and thereafter retained for parking spaces.

Reason: To ensure that adequate parking is provided on site given the location of the store in a primarily residential area.

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17. The mezzanine area shown on Drawing No. 1977/P/11 shall only be used for the purposes of the relocated café and the customer toilets shown on that plan and shall not be put to any other use without the prior approval of the Local Planning Authority in writing.

Reason: The mezzanine area proposed for the café and customer toilets has not been included in the total net area of 1496 sq. metres upon which the percentage split between convenience sales and comparison sales is based and the retail impact of an alternative use has not been examined through the grant of this permission.

18. No deliveries shall take place to the extended store between 2300 and 0630 on any day and there shall be no unloading activity within the service/delivery yard shown on Drawing No. 1977/P/10 between 0030 and 0630 on any day.

Reason: In order to limit the impact of deliveries on residential amenity and to limit the impact of unloading activity within the service / delivery yard on residential amenity.

19. No window openings to serve the relocated café shall be created on the north facing elevation at the first floor level without the permission of the local planning authority.

Reason: To safeguard residential amenity.

20. Within three months of the date of this permission, full details of existing and proposed recycling facilities at the site shall be submitted to and approved by the Local Planning Authority. New facilities shall include provision for customers to recycle unwanted packaging including a carrier bag recycling point. The facilities shall be provided before the extended store is opened for business and shall thereafter be retained available for use unless the Local Planning Authority agree otherwise.

Reason: In order to ensure that waste arising is, wherever possible, recycled or re-used in accordance with the advice set out in PPS10.

21. The access details shown on Drawing no. 1977/P/66 Rev. D shall be completed to the satisfaction of the Local Planning Authority, and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

22. Within three months of the date of this permission, plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water shall be submitted to and approved in writing by the Local Planning Authority.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology. The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a run-off rate equal to or less than existing through the application of SUDS, (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible, and (viii) operate both during construction of the development and post-completion.

The submitted details shall include 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). The approved system shall be provided in accordance with the approved timetable. 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 pursuant to Core Strategy Policy CS20.

23. The proposed extension hereby approved shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall good standard comprising the following minimum elements:

- i) 'Excellent' standard in respect of energy credits
- ii) 'Excellent' standard in respect of water credits
- iii) 'Very Good' standard in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

- (a) Details to confirm that the extension has been designed to achieve these standards including details of a 'Design Stage' assessment, and
- (b) Details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment confirming the BREEAM standard that has been achieved, and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM good standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that the energy efficiency through sustainable design and construction are met in accordance with policy CS10 of the adopted Ashford Core Strategy

24. 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.

Reason: To ensure that 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.

Notes to Applicant

1. The Borough Council wishes to emphasise to the applicant the need to improve the site's operational relationship with the occupiers of surrounding residential properties in the light of problems that have been experienced to date. This permission is subject to planning conditions. Failure to observe the terms of these planning conditions will result in consideration of the expediency of enforcement action. The Borough Council expects Tesco Senior Management to ensure that site management and employees are all fully instructed about the terms of these conditions, adherence to these conditions is monitored and any problems arising from such monitoring are promptly addressed. The Borough Council holds records of all of the planning permissions granted in respect of this site should Tesco need to review this material as part of this process.
2. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

Application Number	11/01206/AS	
Location	Tesco Store, Moat Field Meadow, Kingsnorth, Ashford, Kent, TN23 3LU	
Grid Reference	00571/39861	
Parish Council	Kingsnorth	
Ward	Park Farm North	
Application Description	Retrospective application for an amendment to car park and landscaping to the north east of the store (approved under ref: 11/00068/AS), to include an additional row of parking spaces along the north eastern boundary, an amended layout to accommodate the existing roundabout which is to be retained, a reduction in the number of parking spaces, retention of re-cycling area in existing position with additional screening, repositioning of trolley bays, litter bins, lighting columns and barriers, an increase in the height and width of the bund on the north east boundary and position of palisade fence at the base of the bund adjacent to the car park.	
Applicant	Tesco Stores Limited	
Agent	DDP LLP, Audrey House, Ely Place, London, EC1N 6SN	
Site Area	0.89 hectares	
(a) 19/2R	(b) R	(c) KHS S; ES S

The Strategic Sites and Design Manager drew Members' attention to the Update Report. There were a number of points to take note of:

- The applicant's agent had confirmed that the four lighting columns in the car park nearest Redberry Road had been fitted with shields to minimise lighting spill. It was therefore recommended that condition 9 be amended to refer to lighting column no. 30 as well as 31, 32, and 33.
- No further works had been carried out to the existing drain at the foot of the bund. An additional condition was proposed requesting details of the existing drain to be submitted within one month of the date of the permission and for it to be subject to regular maintenance to ensure its long term effectiveness.
- The number of parking spaces on the site was corrected to 214.

In accordance with Procedure Rule 9.3 Mr Holmes, the agent, spoke in support of the application. He advised Members that the parking in the north-east part of the site had been reduced by 28 parking spaces. This reduction was supported by clubcard data and there had been no issues with the operation of the car park since reopening in November 2011. The bund had been increased in height by 1.5 metres and was seeded in the autumn. There had been resident engagement events at the store which had been productive and residents' concerns had been taken on board and listened to. The lighting columns nearest the bund had been relocated 36 metres from the boundary instead of the 21 metres that had previously been agreed and the height of these columns had been reduced from 8 metres to 6 metres. These lighting columns had been fitted with shields to prevent light spill and had been independently assessed. The palisade fence would remain as agreed and the French drain at the bottom of the bund would be retained. The Store Manager would be responsible for the monitoring of this drain. He urged the Committee to support the Officers Recommendation.

Resolved:

(A) That for the following reasons the Planning Committee Permit this application:

1. The scale, location and design of the development would respect the context of the site and preserve the visual amenities of the locality.
2. Any potentially significant impacts on the amenities of nearby dwellings can be satisfactorily mitigated by conditions.
3. The development would not harm highway safety.
4. The development would respect the context of the site and would not be harmful to the street scene.

(B) Permit

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. Detailed proposals for the landscaping of the bund hereby permitted shall be submitted to and approved by the Local Planning Authority within one month of the date of the permission. Thereafter, the approved landscaping shall be carried out fully within the next planting season. Any plants which within a period of five years from the grant of planning permission 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 approval to any variation.

Reason: In order to protect and enhance the amenity of the area and to ensure that any new planting is acceptable in terms of its contribution towards achievement of increases in bio-diversity at the site.

3. The details of soft landscape works required in condition 2 above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of both the protection and enhancement of the area and the contribution towards bio-diversity.

4. Within 3 months of the date of this permission, a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the proposed times for maintenance during the year, a plan showing the extent of the land areas to be maintained, the regularity of visits to the land areas so identified, the specific proposals for the maintenance of the land areas identified and the proposed method of dealing with litter found within them as well as the arrangements for the implementation of the schedule for landscape maintenance. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that landscaped areas are properly maintained in the interests of the amenity of the area and due to their contribution towards gains in bio-diversity and that litter is dealt with appropriately as part of an acceptable approach to landscape management.

5. The trolley parking areas shown on Drawing No 1977/P/67 Rev B shall be retained in perpetuity and access thereto shall not be precluded.

Reason: In order to provide facilities for the effective management of trolleys in the interests of the safety of customers and those moving through the site on bicycles and in vehicles.

6. Within two months of the date of this permission, full details of the proposed CCTV system to be installed within the application site, shall be submitted in writing to the Local Planning Authority for approval and the approved CCTV system shall be fully installed within two months of approval by the Local Planning Authority. Thereafter, the CCTV system shall be retained in fully

operational condition and shall be operated for so long as the store continues to trade.

Reason: To improve the security of the external areas of the site serving customers and to help prevent anti-social behaviour and deter crime within the site.

7. The barriers shown on Drawing no. 1977/P/40 Rev. A shall be retained in perpetuity and operated in accordance with the following procedures:
- i) save for any situation requiring the raising of the approved barriers to allow temporary access for emergency vehicles (in which instance the Local Planning Authority shall be notified in writing within 5 working days of the date of the incident and furnished with details of the incident necessitating access and the relevant emergency service that attended), the barriers hereby approved shall be fully lowered and locked at 2300 Monday to Saturday and 1900 on Sundays and Bank and Public Holidays and not unlocked and raised until 0700 the following day save for Sundays and Bank and Public Holidays when the barriers shall not be unlocked and raised until 0800.
 - ii) Save for the temporary parking of any emergency vehicle in the circumstances defined in this condition, no driving or parking of motor vehicles shall take place in the car parking areas to which the barriers are intended to restrict access on Monday to Saturday after 2300 or before 0700 and on Sundays and Bank and Public Holidays after 1900 or before 0800.

Reason: To ensure that access to, and use of, the additional parking area by cars and commercial vehicles is restricted in order to safeguard the amenities of nearby residential occupiers in terms of noise and disturbance at sensitive times.

8. No fewer than 214 car parking spaces shall be provided on the application site and they shall be maintained as laid out in accordance with the layout shown on Drawing no. 1977/P//67 Rev. B unless otherwise agreed in writing by the Local Planning Authority, and hereafter retained for parking purposes.

Reason: To ensure that adequate parking is provided on site given the location of the store in a primarily residential area.

9. The shields positioned on the lighting columns numbered 30, 31, 32 and 33 as shown on Drawing No. LS16311/11 shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the residential amenities of properties in Redberry Road, which back onto the application site.

10. The lights hereby approved shall be switched off on Mondays to Saturday between 2300 and 0700 and on Sundays and Bank and Public Holidays between 1900 and 0800, in accordance with the store opening hours and condition 7 which relates to the bollards restricting access to this car park at those times.

Reason: In order to protect the residential amenities of properties in Redberry Road, which back onto the application site.

11. Within one month of the date of this permission, details of the existing drain at the foot of the bund which forms the north eastern boundary of the car park shall be submitted to the Local Planning Authority, together with written confirmation that the drain has sufficient capacity to accommodate surface water run-off from the bund as increased in size. The details shall include the exact location of the drain, its construction and diameter, the point of discharge and access/inspection chamber positions. At the same time, a scheme for the regular inspection and maintenance of the drain shall be submitted to and approved in writing by the Local Planning Authority, and upon approval, the methods agreed shall be implemented in perpetuity. If it is found that the existing drain has inadequate capacity or is failing, then details of a new drain shall be submitted to and approved by the Local Planning Authority and this shall be retained and shall be subject to the same inspection and maintenance programme.

Reason: To ensure that adequate drainage exists and to protect the adjoining residents from potential surface water run-off from the bund.

Application Number	11/00229/AS
Location	Gusbourne Estate Vineyard, Kenardington Road, Appledore, Kent TN26 2BE.
Grid Reference	96243/31401
Parish Council	Appledore
Ward	Isle of Oxney
Application Description	Erection of winery building and associated landscaping
Applicant	Mr A Weeber, Gusbourne Estate Vineyard, Kenardington Road, Appledore, Kent TN26 3BE
Agent	Mr Michael Dade, Speer Dade Planning Consultants, Meru Cottage, Gatehouse Lane, Framfield. Uckfield, East Sussex TN22 5RS

Site Area	2.7ha	
(a) 5/11S, 3R	(b) S,S	(c) KHS X, RPL X, WKPS S, CPRE S, KCC (Heritage) +, EA X, SW X, NE X, EHM (C) +,

The Development Control Manager drew Members' attention to the Update Report. A further condition was proposed that restricted the use of the building to processing and storing grapes primarily produced at Gusbourne Vineyard. This was because the winery was only being recommended for approval in this countryside location to meet the needs of this rural enterprise and this would not be an appropriate location for an unrestricted processing building. The applicant had indicated that he was satisfied with this condition.

In accordance with Procedure Rule 9.3 Mr Weeber, the applicant, spoke in support of the application. He advised the Committee that the application was the culmination of four years' work between himself, the architects and planning officers. The local community had been consulted when making the application. The proposal would create employment at all levels. Viticulture was considered to be an agricultural practice. It was a labour intensive process and all of the grapes were picked by hand. There were a further 250 acres in total that could be used for planting vines. Since the first harvest in 2006 Gusbourne wines had won a number of prizes and awards.

In accordance with Procedure Rule 9.3 Mrs Smith from Appledore Parish Council, spoke in support of the application. She advised the Committee that the Parish Council supported the application for a number of reasons. The vineyard would create employment opportunities and the production of wine on the site would help to ensure the viability of the vineyard. The proposal fitted into the landscape and the Parish Council were pleased with the proposed green roof. They were privileged to have such a quality product produced in the village and supported the method of hand picking the grapes rather than machine picking.

The Ward Member attended and spoke in support of the application.

Resolved:

A) That for the following reasons the Planning Committee Permit this application:

1. The scale, location and design of the development would preserve the character and appearance of the countryside.
2. The development would not be harmful to the residential amenities of nearby dwellings.

3. The traffic movements generated by the development could be accommodated without detriment to highway safety.
4. The development makes adequate provision for the parking of vehicles within the application site.
5. Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

B) Subject to the applicant first entering into a Section 106 agreement in respect of planning obligations related to:

- a. **Carbon off-setting contribution**
- b. **Monitoring fee**

as detailed in Table 1, in terms agreeable to the Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit

Table 1

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
<p>1 <u>Carbon Off-Setting Contribution</u></p> <p>Contribution to the Ashford Carbon Fund based on the residual carbon emissions of the development set out in the approved post construction assessment and quantified over 10 years</p>	<p>To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD</p>	<p>Payable within 15 days of the Council's approval of the post construction assessment</p>
<p>2 <u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the</p>	<p>£1000 per annum until development is completed</p>	<p>Upon commencement of development</p>

Planning Obligation		
Detail	Amount(s)	Trigger Point(s)
agreement or undertaking		
<p>All contributions to be index linked (normally from the date of the Committee's resolution) in order to ensure the value is not reduced over time. The costs, expenses and disbursements of the Council's Legal and Planning Departments incurred in connection with the negotiation, preparation and completion of the deed are also payable. The Kent County Council will also require payment of their legal costs.</p>		

C) Permit

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 and the development shall be carried out only using the approved external materials.

Reason: In the interests of visual amenity.

3. The area shown on the drawing number 19406B/50 Revision I as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the development hereby approved is 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 1995 (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 or parking.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

4. Prior to works commencing on site, details of parking for site personnel as well as details of loading and turning areas for construction traffic shall be

submitted to and approved in writing by the Local Planning Authority and thereafter shall be provided and retained throughout the development. The approved parking, loading and turning areas shall be provided prior to the commencement of development.

Reason: To ensure provision of adequate parking, loading and turning facilities for vehicles in the interests of highway safety and to protect the amenities of local residents in accordance with policy.

5. Prior to the commencement of development, details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site, shall be submitted to and approved in writing by the Local Planning Authority. 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.

6. The premises shall not be occupied until space has been laid out within the site in accordance with the details shown on the approved drawing GV-P-2011-002 for cycles to be parked and are available for use for these purposes. The approved bicycle facilities shall thereafter be retained in perpetuity for the users of the development and access to these facilities shall not be precluded.

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

7. Before the building hereby permitted is first brought into use the area between the nearside carriageway edge and lines drawn a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 140m in a northerly direction and 91m in a southerly direction from and on both sides of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 1.05m above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety.

8. 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 any Public or Bank Holiday.

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

9. The proposed extension hereby approved shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall good standard comprising the following minimum elements:
- i) 'Excellent' standard in respect of energy credits
 - ii) 'Excellent' standard in respect of water credits
 - iii) 'Very Good' standard in respect of material credits

Prior to development commencing, the following details shall be submitted to the Local Planning Authority for written approval:

- (a) Details to confirm that the extension has been designed to achieve these standards including details of a 'Design Stage' assessment, and
- (b) Details of how the development will reduce carbon dioxide emissions to a level 10% below the predicted total energy demand through the use of on-site sustainable energy technologies such as renewables and/or low carbon technologies.

Following completion of the final building, a BREEAM 'Post Construction Stage' assessment confirming the BREEAM standard that has been achieved, and stating the amount of residual carbon emissions and how they are proposed to be dealt with to ensure that the development is carbon neutral (including details of any necessary mechanisms to be put in place and associated timetables) shall be submitted to and approved in writing by the Local Planning Authority.

Following any approval of a 'Post Construction State' assessment, the approved measures and technologies to achieve the BREEAM good standard and to ensure that development is carbon neutral shall be implemented in accordance with the approval and thereafter shall be retained in working order in perpetuity.

Reason: In order to ensure that the energy efficiency through sustainable design and construction are met in accordance with policy CS10 of the adopted Ashford Core Strategy

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development shall be carried out within Classes A & B of Part 8 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 highway safety and to protect the character of the countryside.

11. The development shall not be brought into use until works for the disposal of sewage have been provided on the site to serve it in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

12. The development hereby permitted shall be carried out in accordance with the Surface Water Drainage Strategy dated November 2011, unless any variation has been previously approved in writing by the Local Planning Authority.

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.

13. The approved planting plan GV-P-2011-005 shall be carried out within the first planting season following the commencement of the development. Any trees or plants whether new or retained which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

14. The development hereby permitted shall incorporate biodiversity enhancement measures as identified in the Phase 1 Habitat Survey dated 1 April 2009.

Reason: In the interests of biodiversity.

15. Prior to the commencement of the development, a badger survey shall be carried out to establish the presence of any new setts. The results of this survey shall then be submitted to the Local Planning Authority. Should the survey conclude that the development will affect any sett then details of the proposed mitigation shall be submitted to and approved by the Local Planning Authority in writing and the development shall then be carried out in accordance with the approval.

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

16. Any approved works to hedgerows shall be carried out outside of the bird nesting season of March-August or after a suitably qualified ecologist has verified no active nests are present.

Reason: To protect the existing population of identified species.

17. The visitor gallery area on the first floor shown on drawing 20110821/GE/GA/F/VG Rev G shall only be used for purposes ancillary to the use of the building as a winery.

Reason: In the interests of highway safety and the amenity of local residents.

18. The building hereby approved shall only be used for the processing and storage of grapes primarily grown at Gusbourne Vineyard, and the primary use shall not be for the processing or storage of produce from other farms or vineyards.

Reason: Planning permission is granted for this development in this rural location to meet the specific requirements of Gusbourne Vineyard, and to allow the Local Planning Authority to regulate any future use not associated with the Vineyard.

Application Number	11/01265/AS
Location	Longberry Farm, Etchden Road, Bethersden, Ashford, Kent, TN26 3DS
Grid Reference	94156/41260
Parish Council	Bethersden
Ward	Weald Central
Application Description	Replacement dwelling
Applicant	Mr Steven Scrivens, Longberry Farm, Etchden Road, Bethersden, Ashford, Kent, TN26 3DS
Agent	Mr Tony Kernon, Kernon Countryside Consultants Ltd., Brook Cottage, Purton Stoke, Swindon, Wiltshire, SN5

4JE

Site Area 0.32ha

(a) 3/- (b) R (c) -

The Development Control Manager drew Members' attention to the Update Report. Since the agenda was published the application had been appealed. The Committee could therefore not determine the application, but could determine what its decision would have been if the appeal had not been lodged. The applicant's agent had also submitted a number of comments, these were placed before the committee in full and referred to by the Development Control Manager.

In accordance with Procedure Rule 9.3 Mr Muddell from Bethersden Parish Council spoke in objection to the application. He advised the Committee that the Parish Council had a well considered objection to the proposal. The Planning Committee had recently refused two applications on the site for replacement dwellings. The dwelling on the site had only just been established as a lawful development and the residential use was restricted to the shed only, the adjoining land was excluded. He drew Members' attention to the photograph and cross section in the agenda papers, the current height of the shed was 3.6 metres and the proposed dwelling was 9.8 metres. The footprint was significantly larger than that currently on the site. This proposal was in no way a replacement dwelling. He requested that Members took a consistent approach and refused this application.

Resolved:**Had an appeal not been lodged for, the Committee would have refused the application on the following grounds:**

1. The proposal would be contrary to Policy GP12 of the Adopted Ashford Borough Local Plan 2000, Policies CS1 and CS9 of the Local Development Framework Core Strategy 2008, Policies TRS2, TRS3 and TRS17 of the Tenterden and Rural Sites Development Plan Document 2010 and to Government Guidance contained in PPS1, PPS3 and PPS7 and would therefore constitute development harmful to interests of acknowledged planning importance for the following reasons:-
 - (a) The proposal to erect a dwelling on this rural site which lies outside of the built confines of any town or village, with no overriding justification having been submitted, would in itself and if repeated give rise to unsustainable, sporadic and harmful development to the detriment of the appearance of the countryside and environment as a whole.
 - (b) The proposed replacement dwelling would by virtue of its greater height, footprint, design and bulk, and the addition of a large domestic curtilage, have a considerably greater and adverse impact upon the landscape than the outbuilding that it would replace.

-
- (c) No satisfactory mechanism to secure the removal of the existing dwelling, any existing residential use rights and the adjacent buildings proposed to be removed by the applicant has been submitted with the application.
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Application Number	11/01364/AS
Location	Meadow View Industrial Estate Hamstreet Road Ruckinge TN26 2NR
Grid Reference	01445/33297
Parish Council	Ruckinge
Ward	Saxon Shore
Application Description	Installation of 166 ground mounted photovoltaic arrays on two trackers
Applicant	TDNK Energy Solutions
Agent	Severncroft Ltd 277 Canterbury Road Kennington Ashford TN24 9QW
Site Area	0.1ha

(a)13/1R (b) R (c)

The Development Control Manager drew Members' attention to the Update Report. There were several points to take note of:

- Comments had been received from Ruckinge Parish Council who requested that the application be deferred for a site visit to determine and resolve various anomalies in the application. The comments were read out in full.
- Since the production of the Update Report, comments had also been received from both of the Ward Members stating that they could not support this application, as they considered that it would be intrusive in terms of the local community and in particular have an adverse impact upon the local environment. They requested that a site visit be undertaken for the Committee to consider the potential impact of the application.

In accordance with Procedure Rule 9.3 Mrs Page, a local resident, spoke in objection to the application. She advised the Committee that she had been a resident of Meadow View Farm for 22 years and objected to the application. The structures would be at odds with the rural location and would be an over expansion of the site. The landscape would be spoilt as the site could be seen from The Street and the Saxon Shore Way. There had been no change of use applied for on the site, which was currently used as light industrial and as a runway. The boundary to her field had a covenant stating that no building could be constructed 30 feet from the boundary. The CAA safe operating practice stated that no vertical obstacles should be located within 25 metres of a runway. Light aircraft and hot air balloons regularly landed at the site, if this application was permitted then this use should cease. She suggested that the photovoltaic panels be placed on the roofs of the buildings on the site instead of as standalone structures, this would ensure a level of safety. Whilst it would not result in the same level of electricity output, it would allow for the production of renewable energy without impacting upon the countryside and local residents. She urged the Committee to refuse the application.

Resolved:

Refuse

on the following grounds:

1. The proposal would be contrary to Policies GP12 and CF8 of the Adopted Ashford Borough Local Plan 2000, Policy CS1 of the Local Development Framework Core Strategy 2008, Policy TRS17 of the Tenterden and Rural Sites Development Plan Document 2010, the adopted Landscape Character Supplementary Planning Document and to Government Guidance contained in PPS1, PPS7 and PPS22 and the Supplement on Planning and Climate Change and would therefore constitute development harmful to interests of acknowledged planning importance for the following reasons:-
 - a. proposed development would be prominent in the landscape and would detract from its rural character and would adversely impact upon the amenities of local people.
 - b. The harm caused by the development is not outweighed by the sustainability benefits arising from it.

Application Number 11/01226/AS

Location Tesco Stores Ltd, Moat Field Meadow, Kingsnorth, Ashford, Kent TN23 3LU

Grid Reference 0548/9876

Parish Council	Kingsnorth	
Ward	Park Farm North	
Application Description	Display of internally illuminated fascia signs, non illuminated fascia signs, car park directional signs, vinyl applied graphics, internally illuminated gantry signs, pole mounted flag signs, banner signage and petrol pump signage	
Applicant	Tesco Stores Ltd	
Agent	Kirsten Marsh, DPP LLP, Audrey House, 16-20 Ely Place, London EC1N 6SN	
Site Area	4.88 ha	
(a) 34/6(r)	(b) R	(c) KHS: X

The Development Control Manager drew Members' attention to the Update Report. Recommendation (A) in the report should be deleted. The Recommendation was in two parts. An amendment to Condition 7 was proposed to make reference to bank and public holidays.

In accordance with Procedure Rule 9.3 Dr Moorby from Kingsnorth Parish Council spoke in objection to the application. She advised Members that the Parish Council objected to this application. This was yet another retrospective application from Tesco. The signs were intrusive, cluttering and inappropriate. Tesco was not in a remote location. The illuminated signs were bright and shone into residents windows. The Council should reinforce the message that the signs should be turned off when the shop is closed. She requested that the non-illuminated signs be removed along with numerous small signs that had appeared across the site. She requested that the Committee refuse the application.

The Strategic Sites and Design Manager undertook, at the request of the Committee, to write to the Chief Executive Officer of Tesco Plc regarding the handling and management of the planning applications that had been on this agenda.

Resolved:

TO MAKE A SPLIT DECISION AS FOLLOWS:

- A) Grant Advertisement Consent** for the installation of 30 non illuminated signs and 4 internally illuminated signs at the petrol station, 25 non illuminated car park signs, 19 non illuminated store signs and 3 illuminated store signs as specified in the table below.

	Plan number		Plan number
PFS signs		Car Park Signs	
1	1977/P/77 & 1977/P/78 B	W1	1977/P/75 A
2	1977/P/77 & 1977/P/78 B	D1	1977/P/75 A
3	1977/P/77 & 1977/P/78 B	D2	1977/P/75 A
4	1977/P/77 & 1977/P/78 B	D3	1977/P/75 A
5	1977/P/77 & 1977/P/78 B	D4	1977/P/75 A
6	1977/P/77 & 1977/P/78 B	DV1	1977/P/75 A
7	1977/P/77 & 1977/P/78 B & 11284 new 02		
9	1977/P/77 & 1977/P/78 B	Store signs	
11	1977/P/77 & 1977/P/78 B	1	1977/P/76
12	1977/P/77 & 1977/P/78 B	2	1977/P/76
13	1977/P/77 & 1977/P/78 B	3	1977/P/76
14	1977/P/77 & 1977/P/78 B	3 x 3d internally illuminated signs to the south eastern, south western and north western elevations	1977/P/76 & SKL 1500 1/3

Subject to the following conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

6. This consent shall expire 5 years from the date of this notice or when the business occupying the premises changes, whichever is the sooner, whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority

Reason: In the interests of visual amenity.

7. The advertisements shall not be illuminated except during the hours of 7am-10pm Monday to Saturday and 8am- 6pm Sundays and Bank and Public Holidays.

Reason: In the interests of visual amenity.

- B) Refuse advertisement consent** for the installation of 1 internally illuminated gantry sign, 1 non illuminated banner sign, 4 internally illuminated canopy signs and 4 non illuminated directional signs as specified in the table below.

	Plan Number		Plan Number
PFS signs		Car park signs	
8	1977/P/77, 1977/P/78 B, 12284 new 02, 11284 new 01	AD1	1977/P/75 A
G1	Pages 1 to 7 from ASG Essex Ltd, 1977/P/75 A	AD2	1977/P/75 A
		PB	1977/P/75 A

on the following ground:

1. By virtue of their prominent location, in a predominantly residential area, and on a primary route into and out of Ashford town centre, the internally illuminated gantry sign (G1), non illuminated directional signs (AD1 & AD2), internally illuminated Tesco Extra canopy signs on the petrol filling station (sign 8) and non illuminated banner sign (PB) would result in an over-proliferation of signage, and give rise to unnecessary clutter in the landscaping strip which would detract from the character and appearance of the street scene and be detrimental to the visual amenity of the area.

The cumulative effect of the signs in this prominent location is contrary to policy EN9 of the Ashford Borough Local Plan (2000), Policy CS1 of the Ashford Borough Council Local Development Framework Core Strategy (2008) and Policy CC1 of the South East Plan (2009) and to Government advice contained in PPS1 and PPG19.

Application Number	11/01311/AS	
Location	Stonegate Farm, Stonegate Lane, Ruckinge, Ashford, Kent TN26 2PR	
Grid Reference	16987/5249.9	
Parish Council	Ruckinge	
Ward	Saxon Shore	
Application Description	Demolition of two existing storage barns and replacement with a new steel portal framed barn and lean to storage barn	
Applicant	Mr Phillip Batt, Stonegate Farm, Stonegate Lane, Ruckinge, Ashford, Kent TN26 2PR	
Agent	Mr Melvin Miffin, Leominster Construction Ltd, Southern Avenue Industrial Estate, Leominster, Herefordshire HR6 0QF	
Site Area	0.11 ha	
(a) 2/-	(b) -	(c) Rural Planning Ltd: X

Resolved:

(A) That for the following reasons the Planning Committee Permit this application:

1. The development is reasonably necessary to support agriculture.
2. The development would respect the context of the site and would not be harmful to the street scene or wider visual appearance of the rural landscape
3. The development, subject to condition, would not be harmful to the residential amenity of the nearby dwellings.

(B) Permit

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 details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. The buildings hereby permitted shall be finished in a colour, details of which shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The approved colour scheme shall be fully implemented before the development is occupied and thereafter maintained.

Reason: In the interests of visual amenity.

4. Should the agricultural use of the buildings within the unit permanently cease within ten years from the date on which the development was substantially completed, then unless agreed otherwise in writing by the Local Planning Authority, the buildings shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 6 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside and in accordance with policies

5. The applicant shall, within 7 days of the date on which the development hereby approved is first brought into use, notify the Local Planning Authority in writing of commencement of the use.

Reason: In the interests of protecting the character and appearance of the countryside and in accordance with policies

6. The building hereby approved shall not be used for the accommodation of livestock except in the following circumstances:
 - i) Accommodation for quarantine requirements
 - ii) An emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm.

- iii) In the case of animals normally kept out of doors, they require temporary accommodation due to ill health, giving birth or to provide shelter against extreme weather conditions.

Reason: In the interests of the amenity of surrounding residential properties.

Application Number	11/01487/AS	
Location	Tourist Information Centre, 18 Church Yard, Ashford, Kent TN23 1QG	
Grid Reference	0978/2754	
Ward	Victoria	
Application Description	Change of use of part of the building from A2 (tourist information centre) to D1 (museum)	
Applicant	Mr Michael Boulding, Ashford Museum Society, 52 Cradlebridge Drive, Willesborough, Ashford, Kent TN24 0RF	
Agent	Mr John Murray, Ashford Borough Council, Strategic Housing and Property, Customers Homes and Property, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL	
Site Area	0.004 ha	
(a) 4/-	(b) -	(c) -

The Development Control Manager advised Members that one of the Ward Members, Cllr Apps, supported the application. He also requested that Condition 2 be amended to include bank and public holidays.

Resolved:

(A) That for the following reasons the Planning Committee Permit this application:

1. The development represents an acceptable use of the building in this location.
2. The development would not be harmful to the residential amenities of nearby dwellings.

3. The development would preserve the special character and appearance of the Conservation Area.

(B) Permit

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 premises shall not be open to the public other than between the hours of Monday to Saturday 0900 to 1700; and at no time on Sundays or Bank or Public Holidays.

Reason: To protect the residential amenity of the locality
