

**APPEAL B: APP/E2205/W/20/3259462**  
**Agreed Occupation Road Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

*Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.*

3. The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

Materials

4. Prior to any works above slab level, details of all external materials shall be provided in writing to the Local Planning Authority including source/ manufacturer. These details of external materials shall be approved in writing by the Local Planning Authority before their use in the development. The scheme shall be carried out in accordance with the approved development.

*Reason: In the interests of visual amenity.*

5. No construction activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 on Saturdays, with no working activities on Sunday or Bank Holidays.

*Reason: To protect the amenities of local residents in accordance with the provisions of the National Planning Policy Framework*

### Lighting

6. Prior to the occupation of any dwelling, details of external lighting shall be submitted to the local planning authority and agreed in writing. The approved lighting shall be installed prior to occupation of the respective dwellings. The lighting details shall follow the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation trust and Institution of Lighting Professionals <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-c0m-ressed.pdf?mtiime=20181113114229.v>

*Reason: In the interests of the visual amenity of the area, comply with the Council's adopted Dark Skies SPD and to protect the flight path and foraging of bats and birds.*

7. Boundary Details

Prior to the commencement of the development, (other than site clearance/ demolition), details of walls and fences to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The walls and fences shall then be erected prior to the first occupation of the individual dwellings in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure, other than those specifically approved pursuant to condition 7 above, shall be erected within the application site area without the prior approval in writing of the Local Planning Authority.

*Reason: To enable the Local Planning Authority to regulate and control the development of land and to protect the visual amenities of the locality*

### Highway & Parking

9. Prior to the commencement of development on site, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority to include the following:
  - a. Routing of construction and delivery vehicles to / from site
  - b. Parking and turning areas for construction and delivery vehicles
  - c. Parking for contractor and site personal
  - d. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction. Details should also be provided of contingency

working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.

- e. Details demonstrating the minimisation of dust emissions
- f. Details of the location of any proposed site compound
- g. Position of the materials storage compound

*Reason: To aid highways safety ,the free flow of traffic. And to protect the amenities of the surrounding are during construction*

10. Before commencement of demolition and site clearance and after completion of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

*Reason: To ensure the satisfactory maintenance of the public highway.*

11. Prior to the first occupation of the site the vehicle parking spaces, as shown on the submitted plans, shall be provided and be permanently retained for their intended purposes thereafter.

*Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles in the interests of highway safety as development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.*

12. Prior to first occupation of the dwellings hereby approved, completion of the following works between the dwellings and the adopted highway shall be implemented:

- a. Footways and/or footpaths, with the exception of the wearing course;
- b. Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

*Reason: To ensure safe and convenient access to the approved dwellings.*

13. Off-site highway improvements in relation to revisions to the Occupation Road / Olantigh Road junction, Olantigh Road speed limit reduction and traffic calming and footway improvements as shown on drawings, 30827/AC/049 D, 30827/AC/056 A, 30827/AC/081, 30827/AC/053A, 30827/AC/048A shall be implemented prior to first occupation.

*Reason: To ensure a safe and convenient highways network in the vicinity of the site for future occupants of the scheme hereby approved.*

14. The visitor car park shall be completed and made available for visitors upon completion of the development.

*Reason: To ensure the provision and retention of adequate off-street parking facilities for vehicles belonging to those visiting the approved scheme and those visiting the North Downs Area of Outstanding Natural Beauty in the vicinity of the site.*

#### Contamination

15. The development hereby permitted shall not be begun, (other than site clearance/ demolition), until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme 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 desk-top 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 desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top 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 fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
  - c. A desk-top study has been completed, satisfying the requirements of paragraph (1) above. The requirements of the Local Planning Authority for site investigations have been fully established, and The extent and methodology have been agreed in writing with the Local Planning Authority.
  - d. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.
  - e. A written method statement for the remediation of land and/or groundwater contamination affecting the site 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.

*Reason: To control pollution of land or water in the interests of the environment and public safety.*

16. 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. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

*Reason: To control pollution of land or water in the interests of the environment and public safety. Note: For further information and technical guidance regarding the requirements of this condition applicants should contact the Borough Council's Environmental Protection Team (01233 330227).*

17. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval, and where remediation is necessary a remediation scheme must be prepared, agreed in writing and implemented in accordance with the approved details prior to completion.

*Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

#### Drainage

18. Development, (other than site clearance/ demolition), shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Foul and Surface Water Management Strategy report (September 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b. appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

*Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are*

*required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.*

19. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

*Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.*

20. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.*

21. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable foul drainage scheme for that phase have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a. A timetable for its implementation, and
  - b. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

*Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water*

*pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.*

22. Subject to Conditions 23 and 24, no foul wastewater from residential dwellings shall be disposed of to a wastewater treatment works that discharges directly or indirectly into the River Stour other than in accordance with the measures specified for on-site package treatment plants (PTPs) set out in the letters from Marian Cameron Consultants Ltd to Ashford Borough Council (30 October 2020), or an alternative system to be agreed in writing with the Local Planning Authority. Such measures (when implemented) shall ensure that all such wastewater is treated on site by such PTPs or alternative system.

*Reason: To ensure the proposals accord with the Habitats Regulations Assessment in providing appropriate drainage that accords with protection of the Stodmarsh SPA*

23. Residential foul wastewater may be disposed to a wastewater treatment works that discharges directly, or indirectly into the River Stour if alternative arrangements for the disposal of such wastewater have been agreed in writing with the Local Planning Authority, following consultation with Natural England and the Environment Agency, and written approval having been received from Natural England and the Environment Agency in relation to such alternative arrangements.

*Reason: To ensure the proposals accord with the Habitats Regulations Assessment in providing appropriate drainage that accords with protection of the Stodmarsh SPA*

24. Details of PTPs, including details of proposed noise levels emanating from the package treatment plant, shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with such approval prior to the occupation of the first dwelling. The PTP shall thereafter be maintained in place until such time (if any) that an alternative means of disposing wastewater has been approved.

*Reason: To ensure the proposals accord with the Habitats Regulations Assessment in providing appropriate drainage that accords with protection of the Stodmarsh SPA*

#### Landscaping/Trees

25. The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- a. All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, (Trees in relation to design, demolition and construction - recommendations) and in accordance with the approved Tree Protection Plan and any approved Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction. Tree Protection Fencing sign off is required by the arboricultural consultant and a copy shall be supplied to LPA

within 5 working days. Any incidents involving damage to a tree or deviation from the approved documents should be inspected by the arboricultural consultant and a report supplied to the LPA within 5 working days.

- b. No fires shall be lit within the spread of branches or downwind of the trees and other vegetation;
- c. No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- d. No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- e. Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- f. No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

*Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policy EN1 of the Local Plan.*

26. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.
- a. No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work).
  - b. If any retained tree or shrub is cut down, uprooted, 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 LPA.

*Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.*

27. Where proposed parking spaces lie within the root protection area of retained trees, details shall be provided in writing to and be approved by the Local Planning authority of the means of construction of the parking areas, including details of



proposed no dig areas. The scheme shall be approved prior to the implementation of works and carried out in accordance with the approved details.

*Reason; To ensure the protection of the retained trees.*

28. No works above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant].

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

29. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to any development above slab level. The landscape management plan shall be carried out as approved unless previously agreed otherwise 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.*

#### Ecology

30. From the commencement of works (including site clearance), all mitigation measures/and or works for reptiles will be carried out in accordance with the details in section 5 of the Reptile Survey and Mitigation Strategy (KB Ecology February 2020

*Reason: To enhance the local biodiversity.*

31. Within six months of construction works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The submission will include the enhancements referred to in paragraph 6.2 of the Bat survey Report dated 24 January 2017 by Greenlink Ecology and those referenced in Section 4.10 of the Preliminary Ecological Appraisal and Reptile survey dated 22nd August 2018 by K B Ecology. The scheme shall be carried out in accordance with the approved details.

*Reason: To enhance the local biodiversity in accordance with the provisions of Policy ENV1 of the Ashford Local Plan 203 and the NPPF.*

Archaeology:

32. Prior to the commencement of development, (other than site clearance/above ground demolition), the applicant, or their agents or successors in title, will secure and implement:
- a. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - b. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

*Reason: To ensure that features of archaeological interest are properly examined and recorded.*

Water efficiency

33. The building hereby permitted shall achieve the minimum optional requirement set out in the Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.

*Reason: In order to carefully manage water supply given the level of household demand relating to available resource.*

Noise

34. Prior to development above slab level , a noise assessment should be carried out to determine potential noise arising from the use of the adjacent MUGA and the impacts upon the nearby proposed housing. The results should be used to determine the need for noise insulation, form of glazing such as to overcome adverse impacts upon the nearby residents.

*Reason: To ensure a satisfactory residential environment in accordance with the provisions of the National Planning Policy Framework.*

Fibre to premises:

35. Prior to the commencement of development (excluding site clearance and demolition) details shall be submitted in writing to the Local planning authority for the installation of fixed telecommunications infrastructure and High Speed Fibre Optic (minimum internal speed of 1000mb) connections to multi point destinations and all buildings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, being capable of connection to commercial broadband providers and maintained in accordance with the approved details.

*Reason: To ensure that the new development in Ashford is provided with high quality broadband services enhancing Ashford as an attractive location in accordance with Policy EMP6 of the Ashford Local Plan 2030 and paragraph 112 of the NPPF.*

#### Electric Car Charging Points

36. Prior to the first occupation of development details of where designated parking spaces or carports can be provided with electric vehicle charging point shall be submitted to and agreed in writing with the Local Planning Authority. The charging point may be a dedicated electric vehicle charging socket, or a suitably rated three-pin socket capable of safely providing a slow charge to an electric vehicle via a domestic charging cable. The scheme shall be carried out in accordance with the approved details. The charging point shall thereafter be retained available, in a working order, for the charging of electric vehicles unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To take into account the cumulative impacts of development on air quality and to encourage the use of sustainable transport modes including incorporation of facilities for charging plug-in vehicles.*

37. Prior to works commencing above slab level, details shall be submitted to and be approved in writing by the LPA, in consultation with the County Rights of Way Team of works to improve the surface of bridleway AE109. The scheme shall be carried out in accordance with the approved scheme prior to full occupation of the site.

*Reason: To support the provision of access to the surrounding AONB.*

38. Prior to development above slab level details shall be provided in writing to Ashford Borough Council regarding measures to prevent vehicular access from the eastern end of the site onto the bridleway other than to existing premises on the south of Occupation Rd. The approved scheme shall be implemented upon completion of the development .

*Reason: To avoid the route becoming an alternative access road into the development thereby increasing vehicular traffic on the bridleway, to the detriment of those using the bridleway*

39. 20% of all the approved dwellings should comply with Building Regulations Part M4 (2) being accessible and adaptable.

*Reason: To assist in the creation of safe and accessible homes in accordance with the provisions of Policy HOU14 of the Ashford Local Plan 2030 and the NPPF.*

#### Informatives:

1. The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties
2. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
  - There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development
  - No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Path
3. The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
4. The developer needs to be aware of the requirement to pay for provision of new services (full sets of wheeled bins) to these premises when completed.
5. Roadway within the development will need to be adopted or if it is to remain private, then an indemnity must be signed off prior to commencement of any waste collection.
6. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
7. It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

8. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
  
9. Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.
  
10. Informative: Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.