

APPEAL C: APP/E2205/W/20/3259465
Agreed ADAS 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 and the scheme shall be carried out in accordance with the approved details.

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 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, in accordance with the approved details and no

further external lighting shall be installed without the prior written consent of the Local Planning Authority.

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-compressed.pdf?mtime=20181113114229>

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.

Boundary Details

7. 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

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 with reference to the IAQM guidance on controlling dust on construction sites.
 - 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 area 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 developer pays for any damage caused to the highways resulting from the approved works.

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 Site Access, Occupation Road / Olantigh Road junction, Olantigh Road speed limit reduction and traffic calming and footway improvements as shown on drawings, 30827/AC/085, 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.

Drainage

14. No Development (other than site clearance/ demolition) shall begin 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 principles contained within the Foul and Surface Water Management Strategy (September 2019) by RMB Consultants Ltd. It shall also be demonstrated 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.

15. 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.

16. 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.

17. Subject to Conditions 18 and 19, 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

18. 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

19. 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

Archaeology

20. Prior to the commencement of development, (other than site clearance/ demolition above ground), 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. ii) 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.

Landscaping/Trees

21. Tree removals shall be carried out only in accordance with an agreed Tree Removal Plan to be submitted to and agreed in writing by the LPA prior to the removal of any trees from the site.

Reason: To ensure existing trees on site are accurately identified to aid consideration of the landscaping proposals for the site.

22. 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 an updated Arboricultural Method Statement incorporating a Tree Protection Plan. 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.

23. 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.

24. No development, (other than site clearance/ demolition), 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; details of the footpath providing access to Donkey Field, 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.

25. 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 the Local Planning Authority prior to any development above slab level. The landscape management plan shall be approved in writing by the Local Planning Authority and carried out as approved and in accordance with a schedule to be submitted 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

26. Prior to any works above slab level, the landscaping plan must be updated to include the following:
- a. Details of direct access into the ecological mitigation areas from the publicly accessible areas of the estate
 - b. Details of the removal of access to the ecological mitigation areas via the residential areas
 - c. Clear demonstration that the ecological mitigation areas will not be part of the residential curtilage.
 - d. Details of Integrated bat and bird boxes on the dwellings
 - e. Replacement Maternity Bat Loft on plot 16 garage or other agreed position within the site.

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

27. Prior to any works commencing on site a review of the ecological surveys and mitigation strategies must be carried out. A letter by the applicants ecologist confirming the documents submitted with the planning application are still valid OR an updated ecological mitigation strategy, informed by updated surveys, must be submitted to the LPA for written approval. The review must be informed by a Preliminary Ecological Appraisal carried out within 3 months of the review commencing and works shall not commence without the approval in writing of the LPA of the submitted review or updated strategy.

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

28. Prior to the demolition of the building containing the maternity roost (as shown within Bat Survey and Mitigation Strategy; KB Ecology; September 2019) the replacement roost within the garage of plot 16, or within an alternative suitable location to be agreed with the Local Planning Authority, must be erected.

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

29. Within 3 months of works commencing on site a detailed site wide ecological management plan must be submitted to the LPA for written approval. The plan must include the following:
- a. Overview of the management required
 - b. Measures to implement the management
 - c. Timings of the management requirements
 - d. Details of who will be carrying out the works
 - e. Details of how it will be funded.
 - f. Map showing the management areas
 - g. Details of species and habitat monitoring
 - h. Timings of Management Plan reviews.

The plan must be implemented in accordance with the as 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.

30. Prior to the demolition of the existing buildings on site, details shall be submitted to and be approved in writing by the Local Planning Authority of proposed bio diversity mitigation and enhancements. This shall include details of the replacement bat roost referenced in Condition 28. 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.

31. Prior to commencement of development, a mitigation strategy to minimise disturbance to Dormice shall be put together in accordance with the provisions set out in Section 6 of the Dormouse Survey and Mitigation Strategy dated 2nd September 2019 by KB Ecology.

Reason: To ensure adequate mitigation to protect the dormouse population identified on the site in accordance with the provisions of Policy ENV1 of the Ashford Borough Plan 2030 and the NPPF.

32. Prior to any ground works commencing (including site clearance and demolition) a translocation exercise of reptiles present on site as detailed in Section 5 of the Reptile survey and Mitigation Strategy, dated 2nd September 2019 by KB Ecology shall be carried out.

Reason: To ensure adequate mitigation to protect the reptile population found on site in accordance with the provisions of Policy ENV1 of the Ashford Local plan 203 and the NPPF.

Fibre to premises:

33. 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 telecommunication infrastructure and High Speed Fibre Optic (minimal 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 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

34. 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 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. The scheme shall be carried out in accordance with the approved details.

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.

35. 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.

Water efficiency

36. The buildings 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

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. 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>
3. 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.
4. Planning permission does not convey any approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
5. 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.
6. 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.
7. The 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.