

ASHFORD BOROUGH COUNCIL

GRANT OF PLANNING PERMISSION



IMPORTANT NOTES

Notification of permission under the Planning Acts does **NOT** convey consent under The Building Regulations

1. The development to which the attached planning permission relates may also require a separate approval under the Building Regulations.
2. If the planning permission refers to amended plans, any necessary Building Regulations approval should also cover those amendments.
3. If the development involves any demolition work, notice of this is required under the Building Act 1984.

ADVICE ON EACH OF THE ABOVE IS AVAILABLE FROM THE BUILDING CONTROL SECTION – CONTACT 01233 330282 OR ALTERNATIVELY EMAIL building.control@ashford.gov.uk

4. Where plans for the erection or extension of a building are submitted for Building Regulations approval, Section 53 of the County of Kent Act 1981 requires that the Plans are rejected unless they show;
 - a) adequate means of access for the Fire Brigade to the building or buildings as extended and;
 - b) that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

ADVICE ON THIS MATTER IS AVAILABLE FROM THE FIRE PREVENTION OFFICER, ASHFORD FIRE STATION, HENWOOD, ASHFORD, KENT TN24 8YF

ASHFORD BOROUGH COUNCIL

GRANT OF PLANNING PERMISSION WITH CONDITIONS



Notes for the Applicant

Appeals

1. If you are unhappy with the disclosed Decision to grant permission subject to conditions, you may appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. **Any appeal must be made within 6 months of the date of decision.**

The necessary form is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website: www.planning-inspectorate.gov.uk/pins/index.htm

A longer period for the giving of notice of an appeal may be allowed by the Planning Inspectorate but normally asks what special circumstances there are which excuse the delay in giving notice of an appeal.

The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Borough Council.

Beneficial Use

2. If permission to develop land is granted subject to conditions, whether by the Borough Council or by the Secretary of State and you, as owner of the land, claim that it has become incapable of reasonable beneficial use, you may serve on the Borough Council a Purchase Notice requiring the Borough Council to purchase your interest in the land in accordance with the provision of Part IV of the Town and Country Planning Act 1990.

Before following this course of action it is suggested that you seek the advice of a Planning Consultant or a Solicitor.

Discharging of Conditions

3. Some conditions attached to the grant of permission may require you to submit details and/or information before you start work.

4. A national fee is set by Government to discharge conditions. These charges are as follows:

- Where the request relates to a permission relating to an enlargement, improvement or other alteration of existing dwelling houses or the erection of a building within the curtilage of an existing dwelling house for purposes ancillary to the enjoyment of the dwelling house the fee will be **£34** per submission.
- Where the request relates to permission for development which falls within any other category the fee will be **£116** per submission.
- **Together with the fee, you are also required to complete an application form for this process. The forms are available on our website.**

Please note that we aim to deal with these requests within 8 weeks.

NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY

Date of Decision

02 April 2019



ASHFORD
BOROUGH COUNCIL

Civic Centre
Tannery Lane
Ashford
Kent TN23 1PL
01233 331111
www.ashford.gov.uk

Miss H Cox
Carter Jonas
One Chapel Place
London
W1G 0BG

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

APPLICATION NO: 18/01791/AS

PROPOSAL: Industrial development comprising a mix of B8 (storage), B2 and B1(c) (industrial) uses, landscaping, access, electricity sub-station and associated works

LOCATION: Unit 1, Hall Avenue, Orbital Park, Sevington, Ashford, TN24 0AA

APPLICANT: Salmon Harvester Properties Ltd

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

Subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

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

- 3 Prior to works commencing on site a detailed Great Crested Newt (GCN) mitigation strategy shall be submitted for written approval by the Local Planning Authority. The mitigation strategy must be based on the information

provided within the submitted GCN Mitigation Strategy (AECOM Feb 2019) but informed by GCN surveys. The mitigation strategy must be implemented as approved.

Reason: In the interests of appropriate ecological mitigation resulting from the proposed development.

- 4 Prior to occupation an ecological management plan shall be submitted to the Local Planning Authority for written approval. The management plan must clearly set out how the hedgerow, wildflower meadow and the off-site ecological mitigation areas (as detailed within paragraph 4.3 Great Crested Newt Mitigation Strategy (AECOM Feb 2019) will be managed. The plan must be implemented as approved.

Reason: In the interests of appropriate ecological management resulting from the proposed development.

- 5 Prior to commencement of the development a Construction Management Plan shall be submitted to the Local Planning Authority to include the following:

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

Reason: In the interests of highway safety.

- 6 Prior to commencement of the development details of measures to prevent the discharge of surface water from the access onto the public highway shall be submitted and approved in writing by the Local Planning Authority and provided and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway safety.

- 7 The following facilities shall be provided and permanently retained prior to the first occupation of any units hereby permitted:

- vehicle parking spaces shown on the submitted plan (1821-005-A)
- vehicle loading/unloading and turning facilities shown on the submitted plan (1821-005-A)

Reason: In the interests of highway safety.

8 Details of covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the units hereby permitted and maintained in accordance with the approved details thereafter.

Reason: In the interests of highway safety.

9 The access details shown on the submitted plan (1821-005-A) shall be completed prior to the occupation of any of the units hereby permitted and maintained in accordance with the submitted plan thereafter.

Reason: In the interests of highway safety.

10 Prior to the occupation of any of the units hereby permitted the existing access to the south east of the site shall be closed and the footway shall be re-instated with full height kerbing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11 The visibility splays shown on the submitted plan (23457801-STR-HGN-100-DR-D-00102) shall be provided and maintained with no obstructions over 1.05 metres above carriageway level within the splays, prior to the access hereby permitted being brought into use.

Reason: In the interests of highways safety.

12 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 in accordance with the NPPF.

13 Prior to commencement of any development 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 Flood Risk Assessment (Bradbrook Consulting, November 2018) 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 without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- 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.

- 14 No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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 (July 2018).

- 15 Construction activity on the site shall not commence until a method statement for the activity has been submitted in writing and approved by the Local Planning Authority in consultation with HS1. The method statement shall include but not be limited to:

- on-site vehicle movements and parking
- safeguarding of buried services
- protection of railway and HS1 pond fencing
- storage of combustible/hazardous materials
- position and operation of cranes

Construction activity shall then be carried out only in compliance with the approved method statement unless previously agreed in writing by the Local Planning Authority in consultation with HS1.

Reason: In order to manage the risk that the construction activity presents to the safety, security and operation of HighSpeed1.

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

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to

ensure community confidence in the operation of the planning system.

- 17 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.

- 18 Prior to the first use of each building hereby approved, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is in operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity.

- 19 Prior to first occupation of the development the applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost. The assessment shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that there is no negative impact upon air quality in accordance with policy ENV12 of the Ashford Local Plan.

- 20 None of the units hereby approved shall be occupied until works for the disposal of foul and surface water sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid pollution of the surrounding area.

- 21 If unexpected contamination is to be found at any time when carrying out the approved development it must be reported immediately and 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 in writing, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.

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.

- 22 (A) Prior to the first occupation of any floorspace, plans and details for the provision of a number of electric vehicle charging points to be agreed (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to

employee/customer/user demands) shall be provided to and approved by the Local Planning Authority in writing.

(B) Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist employees/customers/users charging an electric or hybrid vehicle. Unless otherwise agreed by the Local Planning Authority in writing, the charging facilities shall be dedicated electric vehicle charging points.

Reason: in order to take account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by employees and customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

23 There shall be no storage on the site other than within a building.

Reason: In order to preserve the visual character of the site and the amenity of the surrounding area.

24 No mezzanine floor space shall erected unless agreed in writing by the Local Planning Authority through a formal application for planning permission.

Reason: In order to preserve the amenity of the locality.

25 The units hereby approved shall be used for the purposes of B1(c), B2 and B8 use and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

26 (A) Save for external stores, refuse stores, bins stores / substations to approved new buildings,

(i) details of the proposed sustainable design and construction measures that will be incorporated as part of the design approach to the approved buildings and associated plots that will enable a minimum BREEAM 'very good' standard and at least the 40% improvement in water consumption to be reached shall be submitted to the local planning authority for approval prior to the commencement of construction, or

(ii) if the sustainable design and construction requirements at (A)(i) above are not considered to be able to be achieved, a written justification shall be submitted to the local planning authority prior to the commencement of construction setting out the reasons why which shall include (i) an assessment as to what will be able to be achieved through the measures that are proposed, (ii) the likely BREEAM-based score as a result of those proposed measures and (iii) how far that score would be below that which is required to achieve a BREEAM 'very good' standard and the required improvement in water consumption

(B) Thereafter, the approved new buildings (save for external stores, refuse stores, bins stores / substations) shall be constructed in accordance with the

sustainable design and construction measures approved pursuant to either (A)(i) or (A)(ii) above unless any variation has subsequently been agreed in writing by the Local Planning Authority. Prior to first occupation of each new building, a BREEAM-based report shall be submitted to the Local Planning Authority verifying that the agreed sustainable design and construction measures have been incorporated in the building and its associated plot and confirming the BREEAM-based standard that has been achieved.

Reason: In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

- 27 Prior to the occupation of any units full details of the proposed switch room and electricity sub-station (as shown on plan number 18231-005-A) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

- 28 Details of bin stores or details relating to the storage of bins to serve the development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the units hereby permitted and maintained in accordance with the approved details thereafter.

Reason: In the interests of visual amenity.

- 29 None of the units hereby approved shall be sub-divided without prior written consent of the Local Planning Authority.

Reason: In the interests of proper planning and to preserve the amenity of the locality.

Notes to Applicant

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

1 **Working with the Applicant**

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

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

- by adhering to the requirements of the Development Management Customer Charter.

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.

- 2 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link
<https://beta.southernwater.co.uk/infrastructurecharges>

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

- 3 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 or telephone: 03000 418181 in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

- 4 The applicant should refer to the following letters found on Ashford Borough Council planning page under reference 18/01791/AS:
- UK Power Networks (dated 17 December 2018)

- Southern Gas Networks (dated 17 December 2018)
- Fulcrum (dated 17 December 2018)
- Kent Police (dated 14 January 2019)

- 5 The applicant should be advised that alterations to the existing bell-mouth junction and closure of the other bell-mouth junction will be subject to a Section 278 Highways Agreement with KCC Highways and Transportation.
- 6 The developer is encouraged to enter into discussions with HS1 and their engineer, Network Rail (High Speed), as soon as practicable to assist in identifying the likely effect of the development on HighSpeed1 or HS1 Property. Contact: HS1 Ltd, 5th Floor, Kings Place, 90 York Way, London, N1 9AG, safeguarding@highspeed1.co.uk
- 7 The detailed design stage of the surface water drainage system (to be discharged as a condition) is expected to be modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- 8 The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays. In addition, 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. Finally, the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

Plans/Documents approved by this decision

Drawing numbers:

18231-001; 18231-002; 18231-005A; 18231-100; 18231-101; 18231-105; 18231-110; 18231-200-A; 18231-205-A; 18231-210; 18231-300; 18231-301-A; 18231-302; 18231-303-A; 18231-305-A; 18231-306-A; 18231-310-A; 2558/18/B/1B; 23457801-STR-HGN-100-DR-D-00111 Rev P3; 23457801-STR-HGN-100-DR-D-00102 Rev P3; 23457801-STR-HGN-100-DR-D-00103 Rev P3; 23457801-STR-HGN-100-DR-D-00104 Rev P3; 23457801-STR-HGN-100-DR-D-00105 Rev P3; 23457801-STR-HGN-100-DR-D-00106 Rev P3; 23457801-STR-HGN-100-DR-D-00107 Rev P3; 23457801-STR-HGN-100-DR-D-00108 Rev P3; 23457801-STR-HGN-100-DR-D-00109 Rev P3; 23457801-STR-HGN-100-DR-D-00301 Rev P1; 23457801-STR-HGN-100-DR-D-00302 Rev P1; 23457801-STR-HGN-100-DR-D-00303 Rev P1; 23457801-STR-HGN-100-DR-D-00304 Rev P1.

Documents:

Design and access statement – Rev A received 11 February 2019
Transport statement – dated 7 February 2019
Energy statement – 90854.2 Rev A dated November 2018
Sustainability statement – 90854.2 November 2018
Preliminary ecological appraisal – AECOM dated November 2018
Flood risk assessment – 18-163R_001 Bradbrook dated November 2018
Geo-environmental desk study – Bradbrook Consulting dated November 2018
Archaeological note – AECOM dated November 2018
Great crested newt mitigation strategy – AECOM February 2019

The Council as Local Planning Authority expects the above Conditions to be complied with promptly. Where Conditions require details or other matters to be approved by the Council prior to commencement or occupation of the development, these must be submitted to the Council for its consideration well in advance, to ensure that there is no delay or loss to your project. Failure to observe the Conditions may result in enforcement action by the Council.

A handwritten signature in black ink, appearing to read "I. S. Karvelk." with a stylized flourish at the end.

Head of Development Management and Strategic Sites

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