

06 January 2023

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NOTIFICATION OF DECISION OF THE LOCAL PLANNING AUTHORITY: Town and Country Planning Act 1990

Case Reference **PA/2022/2017**

Site Address **Mill House, Marsh Road, Ruckinge, TN26 2PS**

Proposal **Proposed replacement dwelling and detached garage (Re-submission of Previous Scheme Ref: 21/00773/AS)**

DECISION: PLANNING PERMISSION IS GRANTED in accordance with the application and plans subject to the following conditions:

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 hereby permitted shall be carried out in accordance with the following approved plans and documents:

Title	Description	Date
Ground and First floor plan	220/15 - 13A	19 July 2022
Proposed Garage car ports floor plan	220/15 - 11A	19 July 2022
Section Detail Drawing	220/15 - 14	19 July 2022
Block plan of the site/Roof	220/15 - 17A	19 July 2022
Design and access statement	22015 D and A Statement	19 July 2022
Mill Hse elevations front, side, rear	220/15-15A and 220/15-16A	19 July 2022
The location plan	Mill Hse OS Loc Plans.	19 July 2022
Elevations (Front, rear, side, section) - Proposed	220/15 - 12A	19 July 2022

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes A, B and E; of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities of the locality.

- 5 No development shall take place until a waste management plan, that clearly describes how the Royal Military Canal will be protected from dust and debris, and a landscape and ecological management plan has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved.

The scheme shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy ENV1 – Biodiversity and ENV5 – Protecting important rural features of the Ashford Borough Council Local Plan to 2030.

- 6 No development shall commence until a strategy to deal with foul water drainage is submitted to, and approved in writing by, the local planning authority. Details required include type/model of the package treatment plant and discharge method/location.

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 in line with paragraph 174 of the National Planning Policy Framework.

- 7 The development shall be carried out in accordance with the submitted flood risk assessment (contained within the "Replacement Dwelling & Garage, Mill House, Marsh Road, Ruckinge, Ashford, Kent : Design & Access Statement") and the following mitigation measures it details:

- Finished floor levels shall be set no lower than the existing dwelling.
- Sleeping accommodation is on the first floor.

These mitigation measures shall be fully implemented prior to occupation.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 8 No infiltration of surface water drainage into the ground is permitted. 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 174 of the National Planning Policy Framework.

- 9 If unexpected contamination is found at any time when carrying out the approved development it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared.

Following completion of the remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

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

- 10 Prior to the commencement of development, the applicant shall, or their agents or successors in title, have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policy ENV15 of the Local Plan.

- 11 The existing dwelling shown on the hereby approved plan 220 15-17A shall be demolished in its entirety and all resulting spoil shall be removed from the site within 3 months of the first occupation of the replacement dwelling hereby permitted.

Reason: In the interests of visual amenities and for the avoidance of the establishment of a secondary permanent residential use of the site, which would be contrary to Development Plan policies and detrimental to the character of the area.

- 12 No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details.

Reason: To protect the appearance of the area/the environment and wildlife from light pollution.

- 13 Prior to the first occupation of the dwelling, at least one All Electric Vehicle charger point shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi

connection). The charging point shall thereafter be retained available, in a working order for the charging of electric vehicles. Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>.

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 in accordance with Local Plan policy ENV12.

- 14 The area shown on the drawing number 220 15-17A as vehicle parking space, garages and turning shall be provided, before the dwelling 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 2015 (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 to this reserved parking space.

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

- 15 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.

Informatives:

- 1. 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 assessment, and responded to our initial contact by submitting additional information, which was found to be acceptable and permission was granted.

- 2. 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.

- 3. Applicants should be aware that the Fire & Rescue Service require the access routes, hardstanding and turning facilities onsite to meet the requirements of Approved Document B Volume 1:2019, Table 13.1.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority.

A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.
- 4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. The building present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Signed



Simon Cole
Assistant Director - Planning and Development

Important Notes

1 Limitation of Permission

This decision is for planning purposes only and for no other purpose including Building Regulations. Separate approval may be required for these works.

Advice is available from the Building Control Section - 01233 330282 Email building.control@ashford.gov.uk

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;

- adequate means of access for the Fire Brigade to the building or buildings as extended and;
- that the building and extension will not render inadequate, existing means of access for the Fire Brigade to a neighbouring building.

The Fire Prevention Officer can be contacted at Ashford Fire Station Henwood, Ashford, Kent TN24 8YF

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. Your attention is also drawn to the Party Walls Act

2 Appeals to the Secretary of State

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.

Details of how to appeal can be obtained from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or via their website at <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

3 Beneficial Use

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.

4 Discharging of Conditions

Some conditions attached to the grant of permission may require you to submit details and/or information before you start work. The necessary forms can be found on the Council's website. Please note that we aim to deal with these requests within 8 weeks.

There is a fee for 'Approval of details reserved by a condition'. These fees are set by Government and the current level can be found at <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>