

**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](mailto: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](http://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. From 6<sup>th</sup> April 2008, a national charge was set by Government to discharge conditions. The 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 16th June 2022



ASHFORD  
BOROUGH COUNCIL

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Mr W Marshall  
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## Town and Country Planning Act 1990 (as amended) Application for Approval of Reserved Matters

**APPLICATION NO:** 21/01914/AS

**PROPOSAL:** Reserved matters application pursuant to outline planning permission 12/00400/AS for the construction of a 6FE secondary school which will include a multi-use games area (MUGA), car parking, landscaping and external play, with the creation of a new access from Chilmington Green Road

**LOCATION:** Proposed school site land south east of, Ashford Road, Great Chart, Kent

**APPLICANT:** Bowmer and Kirkland C/O Agent One Park Row Leeds LS1 5HN

**DECISION: APPROVE MATTERS RESERVED BY CONDITION 10 OF OUTLINE PERMISSION REF: 12/00400/AS in accordance with the application and plans**

Subject to the following conditions:

- 1 The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents approved by this decision.

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

- 2 The development shall be carried out in accordance with the details of external materials specified in the application (ref: Materials Samples Board Drawing No: FS0941-STL-XX-XX-DR-A-0610 P04) which shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the locality in accordance with policy CG1 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policy SP6, of the Ashford Local Plan 2030.

- 3 Prior to the erection of any permanent fencing, full details of all boundary treatments, including a plan indicating the positions and full details of design, materials, and type, including full details of all acoustic fencing and ball stop fencing, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed and completed before the school is occupied. The development shall be carried out in accordance with the approved details and shall be permanently retained and maintained.

**Reason:** In the interests of the visual amenity of the locality in accordance with policy CG1 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policy SP6, of the Ashford Local Plan 2030.

- 4 Prior to the undertaking of any landscape works, full details of all hard and soft landscaping, including a soft landscaping implementation plan, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- a) details of the soft landscape works, to include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); details of the planting that is designed to create year round colour; schedules of plants noting species, plant sizes and proposed numbers/densities where appropriate; full details of proposed tree pits of a size and specification to tree species and to ensure maturation and long-term survival; guards and any other measures necessary to protect trees in locations immediately adjacent to parking bays and an implementation and planting programme/timetable to ensure that all soft landscaping and planting is completed within 6 months of the completion of the development.
- b) details of the hard landscape works shall include details of hard surfacing materials (including colour finish, specification of paving and gauge as appropriate).

- c) The hard and soft landscaping works shall be implemented in full in accordance with the details and timetable approved by the Local Planning Authority.
- d) If any trees and/or plants whether new or retained which form part of the soft landscape works approved by the Local Planning Authority die, are removed or become seriously damaged or diseased prior to the completion of the construction works or within a period of 10 years from the completion of construction such trees and/or plants shall be replaced in the next available planting season with others of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

**Reason:** To ensure adequate details are submitted in the interests of the protection and enhancement of the area in accordance with policies CG1 and CG21 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies SP1 and ENV1 of the Ashford Local Plan 2030.

5 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 hedges and shrubs to be retained by observing the following:

- a) All trees and hedges shown to be retained shall be protected during any operation on site in accordance with a detailed Arboricultural Method Statement and Tree Protection Plan to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details and such tree protection measures shall remain throughout the period of construction;
- 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 25mm 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) If any retained tree is cut down, uprooted or destroyed or dies another tree or trees shall be planted at the same place and the tree or trees shall be of such size and species to reflect the lost canopy cover the size and number of which is to be agreed with the Local Planning Authority and

shall be planted at such time as may be specified in writing by the Local Plan

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and documents.

**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 policies CG1 and CG21 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies SP1 and ENV1 of the Ashford Local Plan 2030.

**Reason for pre-commencement condition:** to prevent the loss of or damage to trees and hedges to be retained on and/or adjacent to the site in the interests of visual amenity and biodiversity.

6 Within six months of works commencing on site, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority. The content of the LEMP shall include the following: ·

- i. Description and evaluation of features to be established and managed (including meadow grassland and native hedgerow replacement); ·
- ii. Ecological trends and constraints that might influence management; ·
- iii. Aims and objectives of management; ·
- iv. Management prescriptions to achieve the aims and objectives; ·
- v. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); ·
- vi. Details of the body or organisation responsible for implementation of the plan; ·
- vii. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan shall be implemented in accordance with the approved details.

**Reason:** To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated in accordance with policies CG1 and CG21 of the Chilmington Green Area Action Plan 2013, the National

Planning Policy Framework 2021, and with consideration to policies SP1 and ENV1 of the Ashford Local Plan 2030.

- 7 From the commencement of works (including site clearance), all precautionary mitigation for reptiles shall be carried out in accordance with the details in Section 5.2 of the Reptile Survey report by Delta Simons, dated 24 August 2021.

**Reason:** To protect the existing population of reptiles and to improve the habitat for reptiles on the site in the future in accordance with policy CG21 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy ENV1 of the Ashford Local Plan 2030.

- 8 Prior to the installation of any external lighting, a lighting design plan for biodiversity and the preservation of dark skies shall be submitted to, and approved in writing by, the local planning authority. The plan shall show the type and locations of external lighting, including expected light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity and will preserve dark skies. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be maintained thereafter

**Reason:** To protect existing biodiversity, in particular populations of bats, to improve the habitat for biodiversity on the site and for the preservation of dark skies in accordance with policy CG21 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy ENV1 of the Ashford Local Plan 2030 and the Dark Skies SPD 2014.

- 9 Prior to the commencement of development, a detailed sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Sustainable Drainage Assessment Revision P04 by Parmarbrook, 8 October 2021 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):

- i. that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- ii. 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 in accordance with policy CG20 of the

Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policies SP1 and ENV9 of the Ashford Local Plan 2030.

**Reason for pre-commencement condition:** 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.

- 10 Prior to first occupation of the school hereby permitted a Verification Report pertaining to the surface water drainage system approved under Condition 9 of this permission, and prepared by a suitably competent person, shall be submitted to and approved in writing by the Local Planning Authority.

The Report shall demonstrate that the drainage system constructed is consistent with that which was 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 in accordance with policy CG20 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policies SP1 and ENV9 of the Ashford Local Plan 2030.

- 11 The playing pitches and MUGA hereby permitted shall be constructed in accordance with the design and layout details set out in the planning application (Drawing No's FS0941-ALA-ZZ-ZZ-DR-L-0001 P15, FS0941-ALA-ZZ-ZZ-DR-L-0002 P17 and FS0941-ALA-ZZ-ZZ-DR-L-0025 P10) and also substantially in accordance with Sport England and /National Governing Body Technical Design Guidance Notes. The playing pitches and MUGA shall be provided on site and made available for use within six months of first occupation of the school (or in accordance with a timetable for implementation to be submitted to and approved in writing by the local planning authority) and shall be retained and maintained thereafter.

**Reason:** To ensure the development is fit for purpose, sustainable and provides the outdoor sports facilities required, in accordance with policies CG1 and CG15 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy COM1 of the Ashford Local Plan 2030.



12 Prior to the commencement of any development relating to the construction of the playing fields and MUGA, the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- i. A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- ii. Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
- iii. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and be made available for playing field use in accordance with the scheme.

**Reason:** To ensure that the playing field is prepared to an adequate standard and is fit for purpose and in accordance with policies CG1 and CG15 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy COM1 of the Ashford Local Plan 2030.

13 Prior to first occupation of the school hereby permitted a schedule of playing field maintenance, including a programme for implementation for a minimum period of five years starting from the first occupation of the school, shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the first occupation of the school the approved schedule shall be complied with in full.

**Reason:** To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose in accordance with policies CG1 and CG15 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy COM1 of the Ashford Local Plan 2030.

14 Prior to the first occupation of the school 15 no. vehicle parking spaces on the site shall each be provided with an electric vehicle charger point to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). The charging points shall thereafter be retained, available, in working order for the charging of electric vehicles.

Prior to the first occupation of the school details of the installation of passive

provision for electric vehicle charger points to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection) for a further 147 vehicle parking spaces on site shall be submitted to and approved in writing by the local planning authority. The passive provision shall be installed prior to the first occupation of the school and thereafter be retained.

Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved charge point model list:

<https://www.gov.uk/government/publications/electricvehicle-homecharge-scheme-approved-chargepoint-model-list>.

**Reason:** in order to take into account the cumulative impacts of major development on air quality and climate change, to assist modal shift and encourage the use of sustainable transport modes through incorporating facilities for the efficient charging of plug-in electric and hybrid vehicles by scheme residents and visitors in accordance with policies CG1 and CG19 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy SP1 of the Ashford Local Plan 2030.

- 15 Prior to the first occupation of the school, the detailed design, including full details of materials, for the secure and covered cycle parking facilities to accommodate 230 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to first occupation of the school and shall be retained and maintained thereafter.

**Reason:** to ensure the development is sustainable and in the interests of the visual amenity of the locality in accordance with policies CG1 and CG13 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies SP1, SP6 and TRA6 of the Ashford Local Plan 2030.

- 16 The vehicle parking spaces and vehicle loading/unloading and turning facilities shown on the approved drawing, ref: FS0941-ALA-ZZ-ZZ-DR-L-2003 Revision P04, shall be provided on site in accordance with the approved drawing and made available for use prior to the first occupation of the school. The vehicle parking spaces and vehicle loading/unloading and turning facilities shall thereafter be retained and maintained.

**Reason:** to ensure the development has adequate provision to accommodate parking of vehicles and does not result in parking inconvenient to other road users in accordance with policy CG11 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies TRA3(b) and TRA7 of the Ashford Local Plan 2030.

- 17 The pedestrian and vehicle accesses shown on the approved drawing, ref: FS0941-ALA-ZZ-ZZ-DR-L-2003 Revision P04, shall be provided in accordance with the approved drawing and made available for use prior to the first

occupation of the school. The pedestrian and vehicle accesses shall thereafter be retained and maintained.

**Reason:** to ensure the development has adequate access provision for pedestrians, cyclist and vehicles in accordance with policies CG1, CG11 and CG13 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.

- 18 The visibility splays shown on the approved drawing ref: 21074/TA/001 shall be provided in accordance with the approved drawing and made available for use with no obstructions over 1.05 metres above carriageway level within the splays, prior to the access hereby permitted being brought into use and shall thereafter be retained and maintained.

**Reason:** to ensure the development has adequate access provision for vehicles in accordance with policies CG1, CG11 and CG13 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.

- 19 Prior to the first occupation of the school, the detailed design, including full details of materials, for the refuse and recycling storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to first occupation of the school and shall be retained and maintained thereafter.

**Reason:** in the interests of the visual amenity of the locality in accordance with policies CG1 and CG13 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies SP1, SP6 and TRA6 of the Ashford Local Plan 2030.

- 20 Prior to first occupation of the school hereby permitted, a Travel Plan that provides details of measures to reduce dependency on the private car for journeys to/from the school, shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

**Reason:** In order to realise a sustainable pattern of development in the area in

accordance with policies CG1, CG13 and CG13A of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy SP1, TRA5, TRA6 and TRA8 of the Ashford Local Plan 2030.

21 Prior to first occupation of the school hereby permitted the following off-site infrastructure shall be completed to an adoptable standard and made available for public use:

- iv. 'Access C roundabout' permitted under planning permission 12/00400/AS;
- v. Chilmington Avenue (Phase 1) from Access A to Chilmington Green Road permitted under planning permission ref: 17/00665/AS, or such alternative pedestrian and cycle access to serve the Secondary School as may be approved in writing by the Local Planning Authority in consultation with the Local Highway Authority;
- vi. Chilmington Avenue (Phase 2) from Access to Chilmington Green Road permitted under planning permission ref: 21/00840/AS (as amended);
- vii. Active Travel Route along Chilmington Green Road to the Secondary School permitted under planning permission ref: 21/00839/AS.

**Reason:** to ensure the development has adequate access provision and connections to the community in accordance with policies CG1, CG11 and CG13 of the Chilmington Green Area Action Plan 2013, the Chilmington Green Design Code 2016, the National Planning Policy Framework 2021, and with consideration to policies TRA5, TRA6 and TRA7 of the Ashford Local Plan 2030.

22 Part 1: 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 in accordance with the requirements of Part 2 of this condition.

Part 2: 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 in accordance with policies CG1, CG20 and CG21 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policies SP1, ENV1 and ENV9 of

the Ashford Local Plan 2030.

- 23 Light trespass into the windows of any sensitive premises adjacent to the school site (i.e. residential properties) shall not have a Vertical Luminance greater than 5 Lux.

**Reason:** In the interests of the amenities of neighbouring light-sensitive development in accordance with policy CG1 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policy SP1 of the Ashford Local Plan 2030.

- 24 Prior to first occupation of the school a community use agreement shall be submitted to and approved in writing by the local planning authority in consultation with Sport England. The agreement shall apply to the Natural Turf Pitches, MUGA, Sports Hall (and ancillary facilities including toilets, change and shower facilities); drama studio; classroom space (with IT provision); school hall and dance studio and car parking and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review. The school shall thereafter allow access to the community facilities in accordance with the approved agreement.

**Reason:** To secure well managed safe community access to the sports and community facilities, to ensure sufficient benefit to the development of sport and wider community activities in accordance with policy CG1 of the Chilmington Green Area Action Plan 2013, the National Planning Policy Framework 2021, and with consideration to policies SP1 and COM1 of the Ashford Local Plan 2030.

### 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,

In this instance;

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the application was dealt with without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

- 2 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. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.
- 3 The applicant should note that the proposed bellmouth junction with Chilmington Green Road will be subject to a Section 278 Highway Agreement with KCC Highways and Transportation.
- 4 It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for

new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highway-s-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

- 5 The applicant is advised that the design and layout of the grass pitches and MUGA courts should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sport England Natural Turf for Sport 2011 and, FA Guide to Pitch and Goalpost Dimensions (Metric), Key Tennis Dimensions 2001.
- 6 The applicant is advised that the scheme should comply with the relevant industry Technical Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to 'Natural Turf for Sport', (Sport England, 2011)
- 7 It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.
- 8 Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications>
- 9 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, in general, occur outside of these times, on Sundays or Bank/Public Holidays.
- 10 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.
- 11 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

### Drawings

FS0941-ALA-ZZ-ZZ-DR-L-0013 P02 Site Location Plan  
FS0941-ALA-ZZ-ZZ-DR-L-0001 P15 Landscape Illustrative Masterplan  
FS0941-ALA-ZZ-ZZ-DR-L-0002 P17 Landscape General Arrangement  
FS0941-ALA-ZZ-ZZ-DR-L-0003 P17 Landscape GA Whole Site  
FS0941-ALA-ZZ-ZZ-DR-L-0004 P16 Fencing General Arrangement  
FS0941-ALA-ZZ-ZZ-DR-L-0025 P10 Sports Provisions  
FS0941-ALA-ZZ-ZZ-DR-L-0033 P15 Kerbs and Edges Plan  
FS0941-ALA-ZZ-ZZ-DR-L-0034 P08 Site Sections- Section B  
FS0941-ALA-ZZ-ZZ-DR-L-0035 P09 Site Sections- Section C  
FS0941-ALA-ZZ-ZZ-DR-L-0042 P02 Ecology Improvements  
FS0941-ALA-ZZ-ZZ-DR-L-0043 P02 Refuse Collection Details  
FS0941-ALA-ZZ-ZZ-DR-L-2003 P04 Revised Parking Plan

FS0941-STL-ZZ-ZZ-DR-A-0101 P04 Proposed Ground Floor Plan  
FS0941-STL-ZZ-ZZ-DR-A-0102 P04 Proposed First Floor Plan  
FS0941-STL-ZZ-ZZ-DR-A-0103 P04 Proposed Second Floor Plan  
FS0941-STL-ZZ-ZZ-DR-A-0104 P04 Proposed Roof Plan  
FS0941-STL-ZZ-ZZ-DR-A-0110 P04 Block Plan  
FS0941-STL-ZZ-ZZ-DR-A-0200 P05 Proposed Teaching Block Elevations  
FS0941-STL-ZZ-ZZ-DR-A-0201 P05 Proposed Sports Block Elevations

FS0941-STL-XX-XX-DR-A-2150 P02 Typical Details – Brick Slips  
FS0941-STL-XX-XX-DR-A-2151 P02 Typical Opening Details – Swisspearl  
FS0941-STL-XX-XX-DR-A-2152 P03 Typical Detail – Extended Reveal onto Swisspearl  
FS0941-STL-XX-XX-DR-A-2153 P02 Vertical Plank Cladding Opening Details

FS0941-STL-XX-XX-DR-A-2160 P03 Façade Details – Typical Corner Junctions  
FS0941-STL-XX-XX-DR-A-2161 P02 Façade Details – Vertical Panel Joint Junctions  
FS0941-STL-XX-XX-DR-A-0610 P04 Materials Sample Board

Proposed Access Arrangements 21074/TA/001 (contained within Transport Assessment)  
Swept-Path Analysis: 15m Luxury Coach 21074/TK14 (contained within Transport Addendum Dec 2021)

### Supporting Documents

Archaeological Desk Based Assessment JCA27299 Version 2 by RPS, dated 7 June 2021  
Archaeological Written Scheme of Investigation Version 2 by RPS, dated 8 December 2021  
Bat Survey Report 21-0544.04 by Delta Simons, dated 24 August 2021  
Flood Risk and Sustainable Drainage Assessment Revision  
FS0941-PAR-XX-XX-RP-X-0001 P04 by Parmarbrook, 8 October 2021  
External Lighting Statement Revision FS0941-CPW-00-XX-RP-N-0011 P02 by Couch Perry Wilkes, dated 31 August 2021.  
Geo-environmental Assessment 21-0544.06 by Delta Simons dated 19 October 2021  
Phase I Geo-environmental Assessment Report by HSP Consulting, dated 18



June 2020  
Phase II Geo-environmental Assessment Report by HSP Consulting, dated 9  
September 2020  
Low and Zero Carbon Technology Feasibility Report  
FS0941-CPW-ZZ-XX-RP-N-0041 Revision P03 by Couch Perry Wilkes, dated  
1 September 2021.  
Preliminary Ecological Appraisal by Greenspace Ecological Solutions, dated  
July 2020  
Reptile Survey Report 21-0544.04 by Delta Simons, dated 24 August 2021  
Site Waste Management Plan by Bowmer & Kirkland, dated 27 August 2021  
Sustainable Design and Construction Statement Revision 01 by Couch Perry  
Wilkes, dated 1 September 2021  
Travel Plan by Milestone Transport planning, dated October 2021  
Transport Assessment by Milestone Transport Planning, dated 19 October  
2021.  
Highways and Transport Addendum by Milestone Transport Planning  
December 2021  
Highways and Transport Addendum III Rev A by Milestone Transport Planning  
May 2022  
Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural  
Method Statement and Tree Protection Plan by Hayden's Arboricultural  
Consultants, dated 13 August 2021

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.



Head of Planning and Development

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