

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

01 October 2021



ASHFORD
BOROUGH COUNCIL

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

Mr Reed
Hodson Developments Ltd
Office 9
55 Park Lane
London
W1K 1NA

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

APPLICATION NO: 21/00839/AS

PROPOSAL: Active Travel Route to provide pedestrian access between Chilmington Avenue and the Secondary School Site entrance. The Active Travel Route comprises of a footpath and verge within land adjacent to Chilmington Green Road at Chilmington Green, Great Chart, Ashford, Kent.

LOCATION: Land at Chilmington Green, Ashford Road, Great Chart, Kent

APPLICANT: Hodson Developments Ltd Office 9 55 Park Lane London W1K 1NA

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 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.

- 4 Within six months of work commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a native species-only landscaping scheme, take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 5 All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges or hedgerows.

- 6 Prior to commencement of development a Construction Management Plan shall be submitted to and approved by the local planning authority including details of

- (a) Routing of construction and delivery vehicles to / from 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 and amenity of local residents.

- 7 Prior to the opening of the proposed Chilmington Green secondary school the access details shown on the submitted plan VD21443-VEC-01-XX-DR-D-100 Revision D shall be completed and maintained thereafter.

Reason: In the interests of highway safety.

- 8 Prior to the first use of the active travel route a Traffic Regulation Order shall be submitted to Kent County Council Highways and Transportation (in consultation with the local planning authority) for a reduction in speed limit from 60mph to 40mph along the whole length of Chilmington Green Road.

Reason: In the interests of safety for all highway users.

- 9 Prior to the first use of the development hereby permitted a landscaping scheme (which may include entirely new planting, retention of existing planting or a combination of both) for the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the local highway authority). Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

- 10 The details of soft landscape works required in condition 9 above shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure that adequate details of the proposals are submitted in the interests of the protection and enhancement of the area.

- 11 Prior to the installation of any street lights details shall have been submitted to, and approved in writing by the Local Planning Authority (in consultation with the local highway authority). The details shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles), and lighting column colour. The approved scheme shall thereafter be installed, maintained and operated in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the appearance of the area, the environment, wildlife and local residents from light pollution.

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,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- the applicant/ agent responded by submitting amended plans, which were found to be acceptable and permission was granted subject to appropriately worded planning conditions.

- 2 The applicant is required to contact Sara Fletcher in the Asset Management Team at Kent County Council Highways and Transportation, sara.fletcher2@kent.gov.uk to progress technical approval for new highway assets as currently proposed in this planning application. This includes alterations to the existing public highway on Chilmington Green Road in the form of the new toucan crossing (Section 278 Agreement of the Highways Act 1980) and the new active travel route to the Secondary School (Section 38 Agreement of the Highways Act 1980).

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.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development 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.

- 3 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.

Plans/Documents approved by this decision

Received 20 September 2021

VD21443-VEC-01-XX-DR-100 rev D Active travel route – General arrangement

610-2021-151-01 Rev 1 Chilmington Green Active Travel Route Stage 1 RAS Report Final

VD21433 Active travel route – Stage 1 RSA designer response

3605843 – Chilmington Green – ATC (Northern side)

3605843 – Chilmington Green – ATC (Southern side)

Received 3 August 2021

Great Crested Newt and Badger Survey Report – Dated 03/08/21

Received 27 July 2021

1022.1 Bat Survey Report – Dated July 2021

Received 28 July 2021

VD21443-VEC-01-XX-DR-101 rev A Active travel route – Highway works boundary

Received 10 May 2021

PO1 Preliminary Ecological Appraisal – Dated 31-03-2021

JAC22387 Phase 2 Infrastructure Archaeological Statement – Dated March 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.