

Ashford Borough Council: Planning Committee

Minutes of a Meeting of the Planning Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on **13 March 2024**.

Present:

Cllr Blanford (Chair)
Cllr Heyes (Vice-Chair)

Cllrs Betty, Brunger-Randall, Gathern, Harman (ex-Officio, non-voting), Ledger, McGeever, Meaden, Mulholland, Roden, and Spain.

Apologies:

Cllrs Chilton, Nilsson, Walder.

Also Present:

Cllrs Dean, Shilton.

In Attendance:

Assistant Director of Planning and Development; Planning Applications and Building Control Manager; Team Leader – Strategic Applications, Deputy Team Leader – Strategic Applications; Planning Officer; Graduate Planner; Principal Solicitor (Strategic Development); Senior Planning and Development Solicitor; Democratic Services Manager; Democratic Services Officer.

In Attendance, virtually:

Principal Transport and Development Planner, Kent Highways

353 Declarations of Interest

Councillor	Interest	Minute No.
Cllr Spain	Made a Voluntary Announcement of Other Interests, that his wife was a tenant of BizSpace, a property that was surrounded on all sides by the application site, but her financial position would not be affected by the proposal.	21/02146/AS

354 Public Participation

The Democratic Services Officer advised that registered public speakers had been invited either to address the Committee in person, or to have their speech read out by a designated Council Officer who was not from the Planning Department. On this

occasion there were seven registered speakers, who had all elected to personally deliver their speeches.

355 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on 14 February 2024 be confirmed as a correct record.

356 Schedule of Applications

Resolved:

That following consideration of (a), (b) and (c) below,

- (a) Private representations (number of consultation letters sent/number of representations received)**
- (b) The Parish/Town/Community Council's views**
- (c) The views of Statutory Consultees and Amenity Societies etc. (abbreviation for consultee/society stated)**

Supports 'S', objects 'R', no objections/no comments 'X', still awaited '+', not applicable/none received '-'

Application Number	PA/2023/2066
Location	Land adjacent to Griffin House, School Road, Appledore, TN26 2BA
Parish Council	Appledore
Ward	Isle of Oxney
Application Description Applicant	Proposed single dwelling with associated amenity garden, external swimming pool and vehicular parking Mr & Mrs Charlie Hill
Agent	Mrs Helen Whitehead, Price Whitehead
Site Area	0.23ha

The Planning Officer gave a presentation, describing the site location, its previous planning application history, the proposed landscaping and parking arrangements, and its position in relation to Appledore village's built up confines, the open countryside, and neighbouring properties. Floor plans and elevation drawings of the proposed dwelling were displayed, together with photographs of the site and its surrounding roads. An explanation of the concerns regarding site sustainability, visual harm and safe pedestrian access to local facilities and public transport was given. Members' attention was drawn to the Update Report, where a correction to between 3.5 and 4.54 years for the Council's Year Housing Land Supply position was made; this did not affect the Officer's recommendation.

In accordance with Procedure Rule 9.3, Ms Helen Whitehead, agent, who had registered to speak in support of the application, was present and read the speech in person.

The Ward Member was present and spoke in support of the application.

Resolved

PERMIT

Subject to the following conditions and notes:

1. Standard time condition.
2. Removal of permitted development rights to prevent extension, alteration, fences and gates
3. Details of materials to be submitted for approval
4. Implementation of the landscaping scheme
5. Ecological enhancements including swift brick/box
6. Lighting scheme to be submitted for approval
7. Construction and environment management plan to be submitted for approval
8. Provision of parking spaces
9. Provision of EV charging places
10. Provision of a district level licensing certificate
11. Solar panels installation
12. List of approved plans

Note to Applicant

1. Working with the Applicant

Application Number	PA/2024/0253
Location	2 Thorne Estate, Pluckley, Ashford, TN27 0RD
Grid Reference	591973 / 144852
Parish Council	Pluckley
Ward	Upper Weald
Application Description	Proposed dropped kerb and hardstanding
Applicant	Mr David Burford
Agent	N/A
Site Area	N/A

The Graduate Planning Officer gave a short presentation, explaining the site location and the current unsatisfactory parking facility for the resident, which this development would seek to resolve. KCC Highways had expressed no concern with the visibility splays provided.

Resolved

PERMIT

Subject to planning conditions and notes, including but not limited to those dealing with the subject matters identified below, as well as those necessary to address stakeholder representations, with wordings and triggers revised as appropriate. Any 'pre-commencement' based planning conditions are to be subject to the agreement process provisions effective from 01/10/2018. This includes delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt, this includes additions, amendments, and deletions) as deemed appropriate.

1. 3-years standard condition
2. Approved Plans
3. Materials
4. Visibility Splays

5. Retention of Parking Provision

Note to Applicant

1. Working with the Applicant
 2. KCC Highways Informative
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Application Number	21/02146/AS	
Location	Land at Eureka Business Park, Trinity Road, Boughton Aluph, Kent	
Grid Reference	Easting - 600315 Northing - 145249	
Parish Council	Boughton Aluph and Eastwell Parish Council / Westwell Parish Council / Kennington Community Council	
Ward(s)	Bockhanger, Downs West, Goat Lees	
Application Description Applicant	As amended in the Update Report Quadrant Eureka LLP	
Agent	Mr P Reedman, DHA Planning, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN	
Site Area	52.16ha	
(a) 669 - 74'R', 4'C', 1'S'	(b) BAE PC 'R', KCC 'R', WPC 'C'	(c) SLRA 'X', ATE 'X', BHS 'X', EA 'X', HCC Heritage 'X', KCC EAS 'X', KCC ED 'X', KCC LLFA 'X', KCC H&T 'X', KCC MWP 'X', KCC PROW 'R', KD AONB '-', KPOL 'X', NH 'X', NE 'X', NHS 'X', SW 'X'

The Deputy Team Leader – Strategic Applications gave a presentation, explaining that this application was for outline planning permission for both residential and commercial use, with the details of the access into the site being the subject of the

application before the Committee; details of the internal access, layout, landscaping, appearance and scale would come forward under reserved matters at a later date. The presentation included reference to the submitted parameter plans and development specification, including relating to land use, access and movement, open spaces, building heights and building density. The presentation also included reference to the Illustrative Masterplan, including the routes of five Public Rights of Way, the proposed on-site nutrient neutrality strategy, including Wastewater Treatment plant and the existing ecological habitat areas. The access to and from major routes was explained, and had been landscape-led to preserve and enhance the natural environment. Members' attention was drawn to the recently-received additional public representations, and the amendments to the description of the development, to Table 1 and to Recommendation (C), as contained in the Update Report. Further clarity was provided regarding three small portions of land which fell just beyond the site allocation boundary. Three additional conditions had been added to secure additional green corridors and offsite links to Sandyacres Sports and Social Club.

In accordance with Procedure Rule 9.3, Mr Jason Strover had registered to speak in objection to the application but was not present at the meeting.

In accordance with Procedure Rule 9.3, Mr Patrick Reedman, the agent, who had registered to speak in support of the application, was present and delivered the speech in person.

In accordance with Procedure Rule 9.3, on behalf of Boughton Aluph and Eastwell Parish Council, Cllr Doreen Titmuss, who had registered to speak in objection to the application, was present and delivered the speech in person.

In accordance with Procedure Rule 9.3, on behalf of Kennington Community Council, Cllr Charles Ellis, who had registered to speak in objection to the application, was present and delivered the speech in person.

The Ward Member was not present but had asked Councillor Harman to read the statement he had submitted and was contained in the Update Report, which she did after stating that they were his views and not her own.

Resolved

- A. Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 in terms agreeable to the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager in consultation with the Director of Law and Governance, with delegated authority to either the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager to make or approve changes to the planning obligations and planning conditions and notes**

(for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit;

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's **committee** report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL compliance statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
Ashford Borough Council Planning Obligations			
1	<p><u>Affordable Housing</u> Amount to be secured in accordance with Policy HOU1:</p> <p>30% affordable housing on-site, comprising:</p> <ul style="list-style-type: none"> • 10% for affordable or social rent. • 20% for affordable home ownership (of which 10% of the total dwellings should be shared ownership). <p>The affordable housing shall be managed by a registered provider of social housing approved by the Council, which has a nomination</p>	Quantum and proportionate distribution to be determined through future reserved matters applications	<p>An Affordable Housing Scheme for each Residential Reserved Matters Area to be submitted with each reserved matters application.</p> <p>To be constructed and transferred to Registered Provider before occupation of more than 50% of the general market units in any Residential</p>

	<p>agreement with the Council.</p> <p>Shared ownership units to be leased in the terms specified.</p> <p>Affordable rented units to be let at no more than 80% market rent and in accordance with the registered provider's nomination agreement.</p>		Reserved Matters Area
2	<p><u>Accessible and Adaptable Dwellings</u></p> <p>Amount to be secured in accordance with Policy HOU14:</p> <p>At least 20% of all homes (across each Residential Reserved Matters Area) shall be built in compliance with building regulations M4(2) as a minimum standard.</p> <p>7.5% of all affordable rented dwellings (across each Residential Reserved Matters Area and the site as a whole) shall be built in compliance with building regulations M4(3b).</p>	<p>20% M4(2) of all dwellings across each Residential Reserved Matters Area</p> <p>7.5% M4(3b) of all affordable rented dwellings across each Residential Reserved Matters Area</p>	All accessible and adaptable homes in each Residential Reserved Matters Area to be constructed in accordance with an Accessible and Adaptable Dwellings Phasing Plan for that specific Residential Reserved Matters Area
3	<p><u>Allotments</u></p> <p>Project detail:</p> <p>Provision of new or improvement of existing allotments within the parishes of Boughton Aluph and Eastwell (50%) and Kennington (50%).</p>	<p>£258.00 per dwelling for capital costs</p> <p>£66.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before

			occupation of more than 50% dwellings in that Residential Reserved Matters Area
4	<p><u>Open Space</u> Project detail:</p> <p>To provide the Open Space, comprising amenity open space, children's play space, landscape buffers, woodland and other indicated areas in accordance with the Open Space Parameter Plan and relevant reserved matters and Open Space Phasing Plan.</p> <p>To provide and have approved the details of each Open Space Area, including detailed specification of the finish of amenity open space and other open spaces.</p> <p>The developer to ensure the Open Spaces are delivered available for use free from contamination, pollution and protected species that would prevent or limit the intended use.</p> <p>To certify completion of open space areas.</p> <p>The Open Space Zones to be managed/maintained in</p>	NA	<p>Not to commence development on the following parcels until the following landscaping details as identified on the parameters plan have been agreed:</p> <p>OS1 – prior to commencement of Parcels 5,6,7 or 8</p> <p>OS2 – prior to commencement of Parcels 4 or 5</p> <p>OS3 – prior to commencement of Parcels, 4, 5 or WS1</p> <p>OS4 – prior to commencement of Parcels 4 or 5</p> <p>OS5 – prior to commencement of Parcels 4 or 5,</p> <p>OS6 – prior to commencement of Parcel 1, 4 or 5</p> <p>OS7 – prior to commencement of Parcels 2 or 3</p>

	<p>perpetuity with management arrangements to be agreed with the Council.</p>		<p>Not to occupy more than the following percentage of the dwellings in the following parcels until the respective landscape and amenity area has been completed and a completion certificate has been issued: OS1 – prior to more than 75% occupation of parcels 5,6,7 or 8 OS2 – prior to more than 75% occupation of Parcels 4 or 5 OS3 - prior to more than 75% occupation of Parcels, 4, 5 or WS1 OS4 - prior to more than 75% occupation of Parcels 4 or 5 OS5 - prior to more than 75% occupation of Parcels 4 or 5, OS6 - prior to more than 75% occupation of Parcel 1, 4 or 5 OS7 – prior to more than 75% occupation of Parcels 2 or 3</p>
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5	<p><u>Art and Creative Industries</u> Project detail:</p> <p>Provision of community arts, to include investment in theatre/performance arts/events/creative industries within Boughton Aluph and Eastwell, Westwell and Kennington Community Council parishes.</p>	<p>£338.00 per dwelling for capital costs</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area; balance before occupation of more than 50% dwellings in that plot</p>
6	<p><u>Children and Young People’s Play Space</u> Project detail (off site):</p> <p>Financial contribution towards investment at Goat Leas play area.</p>	<p>Off site: (equivalent to number of dwellings to be confirmed)</p> <p>£649.00 per dwelling for capital costs</p> <p>£663.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>
7	<p><u>Indoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards indoor sports pitch/sports hall</p>	<p>£449.00 per dwelling for capital costs</p> <p>(capital only –</p>	<p>For each Residential Reserved Matters Area– 50% before</p>

	<p>provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030.</p>	<p>contributions are derived from the latest Sport England Calculator).</p> <p>Indexation: BCIS General Building Cost index 2019</p>	<p>occupation of more than 25% dwellings in that Residential Reserved Matters Area; balance before occupation of more than 50% dwellings in that plot</p>
8	<p><u>Informal Natural Green Space</u> Project detail (off site):</p> <p>In the event that a policy compliant provision of INGS is not provided on site: Financial contribution towards a site within the Parish of Kennington and Boughton Aluph in response to the Open Space Strategy and audit results, where a public open space is requiring improvement and/or where a gap in provision is identified.</p>	<p>£434.00 per dwelling for capital costs</p> <p>£325.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that plot</p>
9	<p><u>Outdoor Sports Provision</u> Project detail (off site):</p> <p>Contribution towards outdoor sports pitch provision at Ashford to be targeted towards quantitative and qualitative improvements at the 'Hubs' identified in the Local Plan 2030, including Sandyacres.</p> <p><i>Contribution to be amended to reflect delivery of on site MUGA.</i></p>	<p>£500.00 per dwelling for capital costs</p> <p>£358.00 per dwelling for maintenance</p> <p><i>(For capital contributions - calculations are derived from the latest Sports England Calculator)</i></p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that plot; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>

		Indexation: BCIS General Building Cost index 2019	
10	<p><u>Strategic Parks</u> Project detail:</p> <p>Contribution to be targeted towards quantitative and qualitative improvements at the strategic parks within the 'Hubs' identified in the Local Plan 2030.</p>	<p>£146.00 per dwelling for capital costs</p> <p>£47.00 per dwelling for maintenance</p> <p>Indexation: BCIS General Building Cost index 2012</p>	<p>For each Residential Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Residential Reserved Matters Area ; balance before occupation of more than 50% dwellings in that Residential Reserved Matters Area</p>
11	<p><u>Custom/Self Build Housing</u> Amount to be secured in accordance with Policy HOU6:</p> <p>Up to 19 serviced plots for use by custom/self-builders to be made available and marketed.</p> <p>A Self-Build / Custom Build Plots Plan showing the location of each serviced custom / self-build plot to be submitted to the Council prior to or concurrently with the submission of the first Residential Reserved Matters Application.</p>	<p>Up to 19 serviced plots (5% of total dwellings)</p>	<p>Not to commence development on any Residential Reserved Matters Area until the Self-Build / Custom Build Plots Plan has been Approved by the Council.</p> <p>Not to commence construction of any Dwellings in a relevant Residential Reserved Matters Area</p>

	<p>In respect of each Residential Reserved Matters Area which pursuant to the Approved Self-Build / Custom Build Plots Plan is to contain Self-Build / Custom Build Plots:</p> <p>(i) not to commence construction of any Dwellings in that relevant Residential Reserved Matters Area until a Self-Build / Custom Build Plots Phase Scheme (including a Design Brief, marketing strategy and details of services to the boundary of each such plot) for that Residential Reserved Matters Area has been submitted to and approved by the Council.</p> <p>(ii) to make each Self-Build / Custom Build Plot within the relevant Residential Reserved Matters Area available for disposal in accordance with the relevant Self-Build / Custom Build Plots Phase Scheme.</p> <p>If, in respect of each serviced custom / self-build plot following a marketing period of no less than 12 calendar months, it is demonstrated that there is no interest from a Self-Build / Custom House Builder, the plots can be developed as open market housing.</p>		<p>until a Self-Build / Custom Build Plots Plan for that Residential Reserved Matters Area has been approved by the Council.</p>
Kent County Council Planning Obligations			
12	<p><u>Adult Social Care</u> Project detail:</p>	<p>£146.88 per dwelling</p>	<p>For each Reserved Matters Area –</p>

	Specialist Housing Provision in the District, adaptation of community facilities, technology and equipment to promote independence in the home, multi-sensory facilities and changing place facilities in the vicinity of the development.	Indexation: BCIS General Building Cost Index from April-20 360.3 Q2	50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area
13	<u>Community Learning</u> Project detail: Contributions towards additional equipment and resources for Adult Education Centres locally	£16.42 per dwelling Indexation: BCIS General Building Cost Index from April-20 360.3 Q2	For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area
14	<u>Education Land for Primary</u> Project detail: Contribution towards a new primary school site at Conningbrook Park or alternative location in the planning group	£410 per dwelling except as specified below. £0 for any 1-bed dwelling with less than 56 m ² gross internal area. Indexation: BCIS General Building Cost Index from April 2020	For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved

			Matters Area.
15	<p><u>Libraries</u> Project detail:</p> <p>Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area</p>	<p>£55.45 per dwelling</p> <p>Indexation: BCIS General Building Cost Index from April-20 360.3 Q2</p>	<p>For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area</p>
16	<p><u>Primary Schools</u> Project detail:</p> <p>Towards new education places at the new 2FE Primary school at Conningbrook Park and/or within the Planning Group.</p>	<p>Per Flat £1134.00 (New Build) except as specified below</p> <p>Per House £4535.00 (New Build) except as specified below</p> <p>£0 for any 1-bed dwelling with less than 56 m² gross internal area.</p> <p>Indexation: BCIS General Building Cost Index Oct-16 328.3 Q4</p>	<p>For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area</p>
17	<p><u>Secondary Schools</u> Project detail:</p> <p>Towards the provision of new secondary places at Chilmington Green and/or</p>	<p>Per Flat £1172.00 (New Build) except as specified below</p>	<p>For each Reserved Matters Area – Half the contribution before</p>

	within the Planning Group	Per House £4687.00 (New Build) except as specified below £0 for any 1- bed dwelling with less than 56 m ² gross internal area. Indexation: BCIS General Building Cost Index Oct-16 328.3 Q4	occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved Matters Area
18	<u>Youth Services</u> Project detail: Towards additional resources for the Ashford Youth service to enable outreach services in the vicinity	£65.50 per dwelling Indexation: BCIS General Building Cost Index from April-20 360.3 Q2	For each Reserved Matters Area – 50% before occupation of more than 25% dwellings in that Reserved Matters Area; balance before occupation of more than 50% dwellings in that Reserved Matters Area
19	<u>Public Rights of Way (PRoW)</u> Project detail: Towards enhancement of existing PRoW on and connected to the site, including surfacing and accessibility improvements to PRoW AW137 and AU3	£37800 Indexation: BCIS General Building Cost Index from Oct 2016	The total amount payable before the occupation of 100 dwellings

20	<p><u>Sustainable Travel</u></p> <p>Towards enhancement of bus services between the site and Ashford International Railway Station.</p>	<p>£230000 per annum over a 7 year period</p> <p>Indexation</p>	<p>Before occupation of the 150th dwelling and annually for 7 years thereafter.</p>
21	<p><u>Monitor and Manage</u></p> <p>Unless agreed in writing with the LPA and LHA through the monitor and manage approach to provide, agree and implement a scheme for monitoring of junction capacity (via traffic surveys and junction capacity assessments) at the following junctions:</p> <ol style="list-style-type: none"> 1. Drovers Roundabout (as shown in drawing 14382-H-12 Revision P1) - Completed prior to the occupation of any commercial development. 2. Trinity Road / Thomson Road / Rutherford Road / Bradfield Road roundabout (as shown in drawing 14382-H11 P3) - Completed prior to the occupation of any commercial development. 3. A28 Chart Road improvement works between Tank and Matalan roundabouts - Completed prior to the occupation of any commercial development. 4. M20 Junction 9 improvements works (as set 	NA	<p>Pre-occupation, provide a strategy for monitoring of the junction's performance and monitor on an ongoing basis until the trigger specified or until such time as mitigation is required, if earlier.</p> <p>Provide each mitigation works by the trigger specified, or (if earlier) at the time indicated by the monitoring.</p>

	<p>out in Otterpool Park planning application Y19/0257/FH) - Completed prior to the occupation of any commercial development (should the Otterpool Park mitigation not come forward, then upgrades to the Trinity Road arm of the junction completed prior to occupation of 75% of the commercial floorspace).</p> <p>5. Lower Pemberton (14382-H-10 Revision P2) - Completed prior to the occupation of 50% of the commercial development.</p>		
22	<p><u>Framework Travel Plan</u></p> <p>To enable the number of vehicle movements associated with the development to be assessed yearly over a 10 year period to ensure that the actual number of movements is not greater than those predicted in the Transport Assessment. On-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 10 year monitoring period. Upon final occupation of the last dwelling on-site and all of the proposed employment floor space the applicant will be required to undertake a fully complaint TRICS survey for the site including for the proposed residential and non-residential uses.</p>	£1000 per annum over a 10 year period	Before occupation of the 100 th dwelling or upon occupation of 8000sqm of employment floor space, whichever is earlier and annually for 10 years thereafter.

	This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database.		
Other Obligations			
23	<p><u>Employment land – Marketing and Delivery Strategy</u></p> <p>To prepare and agree in writing with the Council a Marketing Strategy/Site Prospectus (containing details of potential flexible range of employment uses on all Plots identified on the masterplan for commercial development) with the objective of attracting and securing employment generating occupiers or purchasers/measures to procure and secure future occupiers including through reputable commercial local and national agents/commitment to liaise with the Council in relation to any potential tenants and/or occupiers who approach the Council from time to time with enquiries about pursuing an interest in the Borough) which seeks to test the appetite within the market for development of that kind on the application site to potential investors, developers and occupiers to test market appetite;</p> <p>To submit a report of the responses received in respect of the Marketing Strategy/Site Prospectus;</p>	NA	<p>Within one year of planning permission to prepare and agree in writing with the Council a Marketing Strategy/Site Prospectus.</p> <p>Within 6 months of issuing the Marketing Strategy/Site Prospectus - and in any event prior to submission of the first reserved matters application for the Employment</p>

	<p>In the event of market demand to prepare and agree in writing with the Council a Delivery Strategy (a strategy for obtaining reserved matters approval for and to secure delivery of employment space for letting or sale, including timetable for construction and occupation/or a strategy for the provision of serviced land for letting or sale) demonstrating how it proposes to deliver employment space within 3 years of the date of planning permission;</p> <p>To deliver employment space in accordance with the Delivery Strategy provided that construction and delivery would be financially viable.</p>		<p>land to submit a report of the responses received in respect of the Marketing Strategy/Site Prospectus.</p> <p>In the event the report of the responses received in respect of the Marketing Strategy/Site Prospectus is agreed by the Council to indicate market demand, to submit a Delivery Strategy within 3 months of agreement of the report of the responses.</p>
24	<p><u>NHS General Practice</u> Project detail:</p> <p>Towards refurbishment, reconfiguration and/or extension of New Hayesbrook and/or Hollington Surgery and/or Sydenham House Medical Centre and/or Wye Surgery and / or towards new general practice premises development in the area.</p>	<p>Number of dwellings x assumed occupancy x £360</p>	<p>For each Reserved Matters Area – Half the contribution before occupation of more than 25% of the dwellings in that Reserved Matters Area and balance before occupation of more than 50% of the dwellings in that Reserved</p>

			Matters Area.
25	<p><u>Strategic Highways</u></p> <p>A proportionate financial contribution towards the repayments of the forward funding that delivered the M20 Junction 9 & Drovers roundabout improvements.</p>	Proportionate financial contribution to be calculated with reference to ABC forward funding amount and agreement to apportionment.	50% on commencement of construction, 25% before the occupation of 1/3 of the dwellings and 25% before the occupation of 3/4 of the dwellings.
26	<p><u>SUDS</u></p> <p>To submit to the Council a Certificate of Practical Completion and following submission to transfer the SuDS for that phase to a Management Company and thereafter to monitor, manage and maintain the SUDS in accordance with any conditions pursuant to Necessary Consents.</p>	NA	Following the occupation of the last dwelling in each phase.
27	<p><u>Wastewater Treatment Works (WwTW)</u></p> <p>Transfer of the land required for the WwTW to provide access for the sewerage undertaker.</p>	NA	Prior to first occupation of any dwelling.
28	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking and reporting.</p>	<p>£1000 per annum until development is completed</p> <p>Indexation: Indexation applied from the date of the</p>	First payment upon commencement of development and on the anniversary thereof in subsequent years.

		resolution to grant permission.	
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and,

- B. Subject to the adoption of an Appropriate Assessment under the Habitats Regulations 2017 (as amended) by the Assistant Director - Planning and Development which identifies suitable mitigation proposals such that, in his view, having consulted the Solicitor to the Council and Natural England, the proposal would not have a significant adverse effect on the integrity of the Stodmarsh SAC, SPA and Ramsar Site alone or in combination with other plans or projects; and with delegated authority to the Planning Applications & Building Control Manager or the Strategic Development and Delivery Manager, in consultation with the Solicitor to the Council, to enter into a section 106 agreement/undertaking to add, amend or remove planning obligations and/or planning conditions as they see fit to secure the required mitigation and any associated issues relating thereto, and**
- C. Subject to prior consultation with the Secretary of State in accordance with the requirements of Paragraph 5 (1) of the Town and Country Planning (Consultation) (England) Direction 2021, and subject to either his having notified the Council that it may determine the application or the expiry of the period for his calling-in the application for his own determination, to**

PERMIT,

subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions:

1. For each phase of development identified by Condition 3, the approval of details of the appearance, internal accesses, landscaping, layout, and scale (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase is commenced.

2. The first application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission, and the last application for approval of Reserved Matters must be made not later than the expiration of 5 years from the date of this permission. The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval for each Reserved Matter for that approved phase
3. Prior to the approval of the first application for Reserved Matters, a phasing plan shall be submitted. The phasing plan shall identify the phases of development for the purposes of Reserved Matters applications and a programme for the delivery of each phase.
4. All Reserved Matters applications shall be in substantial accordance with the Environmental Statement and approved parameter plans and documents.
5. For each submission of Reserved Matters applications pursuant to this permission, a "Compliance Report" shall be submitted that states how the Reserved Matters comply with the Environmental Statement and the approved parameter plans and documents identified in Condition 4.
6. Prior to the submission of any Reserved Matters applications pursuant to condition 1 to submit geo-archaeological field evaluation works and archaeological landscape survey in accordance with a specification and timetable submitted to and approved in writing by the LPA; and further geo-archaeological and early pre-historic investigation, recording and reporting in accordance with a specification and written timetable submitted to and approved in writing by the LPA; programme of post excavation assessment and publication;
7. Prior to the submission of any Reserved Matters applications pursuant to condition 1 to submit archaeological field evaluation works in accordance with a specification and timetable submitted to and approved in writing by the LPA; following the evaluation any safeguarding measures to ensure preservation in situ or important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable submitted to and approved in writing by the LPA;
8. Prior to occupation to secure the implementation and completion of a programme of post excavation and publication work in accordance with a specification and timetable submitted to and approved in writing by the LPA;
9. Prior to occupation to secure the implementation of a programme of heritage interpretation in accordance with a specification and timetable submitted to and approved in writing by the LPA;
10. Construction Environmental Management Plan (CEMP) prior to commencement of development on any phase;
11. Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) prior to commencement of development on any phase;
12. Construction Traffic Management Plan (prior to commencement of development on any phase);

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13. Climbed tree inspections of all trees with potential for bat roosts to be undertaken for the reserved matters application;
 14. Reserved matters application to demonstrate enhancements to bat roosting, foraging and commuting and to evidence a beneficial impact on bats;
 15. Prior to commencement of development in any phase (including site clearance and below ground works) a Side Wide Ecological Mitigation Strategy informed by up-to-date ecological surveys of the site, including a walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include (but not be limited to) the following:
 - Habitat Creation Plan
 - Habitat Enhancement Plan
 - Habitat Creation Timetable
 - Ecological Management and Monitoring Plan
 16. Reserved matters applications to include a detailed Ecological Mitigation Strategy for that phase informed by up-to-date ecological surveys of the site, including a walk over survey, shall be submitted to and approved in writing by the Local Planning Authority. The Detailed Ecological Mitigation Strategy shall be in general conformity with the Site Wide Ecological Mitigation Strategy pursuant to Condition 15 and include bat, farmland and other breeding bird mitigation, and details. Must include, as per KCC County Ecologist advice, supporting information to demonstrate that mitigation areas designated for specific species will be sufficient to maintain species, dark zone plans with lighting levels, overview of management to be carried out within the site.
 17. Within six months of the commencement of development in each phase a Landscape and Ecological Management Plan (LEMP) for that phase;
 18. Detailed foul drainage strategy (prior to the commencement of development in each phase), including how this will support achieving nutrient neutrality for the whole development alongside the surface water drainage strategy;
 19. Details of the proposed means of foul and surface water sewerage disposal, detailing how the developer will implement an appropriate foul drainage within the site with a connection to an adopted foul sewage system with sufficient capacity to accommodate the foul drainage generated;
 20. No drainage systems infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.
 21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater;
 22. Detailed surface water drainage strategy (prior to the commencement of development in each phase), including determination of nutrient treatment efficiencies for each drainage catchment and how this will support achieving

- nutrient neutrality for the whole development alongside the foul drainage strategy;
23. Details of operation and maintenance for the surface water drainage system (prior to first occupation of any dwelling in each phase);
 24. Verification Report pertaining to the foul water and surface water drainage system (prior to first occupation of any dwelling in each phase);
 25. Details of WwTW (including odour assessment and scheme for control of noise and vibration) and programme for implementation (prior to the commencement of development);
 26. Details of management, monitoring and maintenance plan for WwTW, SuDS and wetland to secure their performance for the lifetime of the development;
 27. Detailed remediation strategy to deal with land contamination to bring the site and buildings to a condition suitable for the intended use(s) by removing unacceptable risks to human health, buildings and other property and the natural environment;
 28. Verification Report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation;
 29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority;
 30. Reserved matters pursuant to 'layout' to show details of all internal access arrangements and how future vehicular access could be provided to the southern boundary of the site;
 31. Reserved matters applications pursuant to 'layout' and 'landscaping' to include:
 - an Arboricultural Impact Assessment and Method Statement to include details of all the trees and hedgerows to be retained within or adjacent to each phase and how retained trees and hedgerows are to be protected on site;
 - Contour plan showing existing and proposed levels and earthworks to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform
 32. Prior to commencement of development in any phase where existing public rights of way are affected, a Scheme of Management for the Public Right(s) of Way (PROW) within that Phase shall be submitted to and approved by the Local Planning Authority. The Scheme should detail how the PROW will be impacted during both the construction and operation of that phase of development and the actions that will be taken to mitigate the impacts including: (i) the requirement for any permanent diversions and the timing of such; (ii) proposals for any temporary closure and alternative routes to be provided and their timing; (iii) the measures to protect the PROW and their users during construction; (iv) the construction and design of the paths to be

laid out during both construction and operational phase; (v) proposals for the PROW boundaries/buffers, including landscaping and any fencing; (vi) details of connections of PROWs at site boundaries; (vii) a programme for delivery of PROW works; and (viii) future maintenance arrangements for any adjacent landscaping.

33. Reserved matters applications pursuant to 'landscaping' to include specific mitigation to ensure that the WwTW will be sufficiently screened;
34. Reserved matters applications to provide for policy-compliant car parking;
35. Reserved matters applications to provide for refuse storage and recycling facilities;
36. Reserved matters applications to provide for secure and covered policy-compliant cycle parking;
37. Reserved matters applications for commercial buildings over 2,500sqm to provide for cycle changing/shower/drying and locker facilities;
38. Provision of a Framework Residential/Commercial Travel Plan prior to first occupation;
39. Within 8 months of occupation provision of a Workplace Travel Plan for qualifying buildings;
40. Prior to occupation of any phase completion of footways/cycleways/carriageways/junction visibility splays
41. Prior to occupation of any phase details and provision of bus stop infrastructure;
42. Prior to the occupation of any built development, the highway improvement works to the Trinity Road / Nicholas Road roundabout shall be completed and opened for use by the travelling public;
43. Prior to the occupation of any built development, the highway improvement works to the Faversham Road / Trinity Road traffic signal junction (as shown indicatively in drawing 14382-H-08 Revision P3) shall be completed and opened for use by the travelling public;
44. Prior to the occupation of any built development, stage sequence improvements to the Upper Pemberton Signals shall be completed and opened for use by the travelling public;
45. Prior to the occupation of any built development, the highway improvement works consisting of the 4 metre wide shared footway / cycleway on the western side of Trinity Road from Nicholas Road and Toucan crossing across Trinity Road (as shown indicatively in drawing 14382-H11 P3) shall be completed and opened for use by the travelling public;
46. The existing surface-level car park within Plot 9a shall be retained as available for use until a scheme for replacement parking and a timetable for its provision has been submitted to and approved by the Local Planning Authority;
47. Details of a scheme of electrical vehicle (EV) charging points within each phase;

48. Details of a scheme for external lighting for the protection of biodiversity and landscape character, and a programme of implementation;
49. Reserved matters applications pursuant to 'layout' and 'landscaping' to include a Play Space Strategy;
50. Reserved matters applications pursuant to 'layout' and 'landscaping' to include a Public Art strategy;
51. Reserved matters applications to include details of measures to be incorporated into the development to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) and Secured by Design (SBD).
52. Restrictions on the use of the Nutrient Neutrality Land and details of how it will be managed and maintained in perpetuity;
53. Detailed wetlands design, meeting the criteria of the Natural England Framework Approach for Responding to Wetland Mitigation Proposals documentation and demonstrating how this will support achieving nutrient neutrality;
54. Services plan to include provision of underground ducts to enable telephone services, electricity services and communal television services to be connected to any premises within that phase without recourse to the erection of distribution poles and overhead lines;
55. Water use not to exceed 110 litres per day;
56. Details of rainwater harvesting;
57. Details of Fibre to the Premises;
58. Sustainable Design and Construction Statement to include:
 - An evidenced reduction in total materials required for construction and hence embodied carbon through lean/efficient design e.g. as set out in BS 8895 Designing for Material Efficiency in Buildings Part 1 and 2;
 - Use of materials with low embodied carbon where feasible (e.g. based on data in the BRE Green Guide to Specification or Environmental Product Declarations);
 - Production of a Contractor's Energy Efficiency Checklist and ongoing energy monitoring and reporting during construction in accordance with BRE Home Quality Mark Guidance;
 - Requiring all employment development is to be designed to achieve BREEAM 'Very Good' or above;
 - Specifying that materials should be sourced locally where possible to reduce transport GHG emissions.
59. Details of Energy Strategy for residential and employment buildings;
60. Details of how the development will accord with the following circular economy principles:
 - Designing for adaptability
 - Designing for disassembly
 - Selecting materials that can be re-used/reclaimed.
61. Noise impact assessment (commercial) to ensure noise emissions from proposed commercial land uses (including appropriate selection of

mechanical plant items, locations of activities undertaken and, if necessary, mitigation) are controlled to maintain residential amenity.

62. Noise impact assessment/mitigation (residential) to ensure acceptable internal and external noise environments;
63. Any gas boilers installed to serve the energy requirements of the development should use Ultra-Low NOx boiler(s) with a minimum standard of < 40 mg NOx/kWh.
64. Relevant reserved matters applications to include the provision of a green corridor to be aligned with PRoW AE210 in accordance with the requirements of Policy BAE NP5 and as indicatively shown on the Illustrative Masterplan;
65. Relevant reserved matters applications to include the provision of a minimum 15m wide green corridor through Plot 7 to provide pedestrian/cyclist access to Sandyacres Sports and Social Club in accordance with the requirements of Policy BAE NP5 and as indicatively shown on the Illustrative Masterplan;
66. Details of a scheme for the provision and delivery of off-site highway works to facilitate pedestrian/cyclist access between Plot 7 and Sandyacres Sports and Social Club in accordance with the requirements of Policy BAE NP5

Notes:

1. Working with the Applicant

In accordance with paragraph 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by as appropriate updating applicants/agents of any issues that may arise in the processing of their application.

Application Number	22/01067/AS
Location	Former Houchin Playing fields, Canterbury Road, Kennington
Community Council	Kennington
Ward	Bybrook
Application Description	The erection of a Class E retail unit alongside access, car parking, landscaping and associated works

Applicant Agent Aldi Stores
Planning Potential Ltd

Site Area 1.67 hectares

The Team Leader – Strategic Applications gave a presentation, containing site plans and the vehicular, cycling and pedestrian access arrangements from the main road, elevation drawings, parking and cycle provision, bin storage, landscaping and tree planting, together with photographs of the site as it is, and of the road junctions. Solar panels and a green roof area were to be included on the building. Highway improvements were to be secured via a Section 278 agreement with KCC Highways, with a view to ensuring safe access with signalized crossing points and designated pathways, whilst seeking to maintain a steady traffic flow. Those improvements were required to be undertaken before the opening of the retail unit, as were the improvements to the Simone Weil/Canterbury Road junction, and the installation of a SCOOT system to traffic lights, if not already completed by that time as part of the approved Conningbrook development. Members' attention was drawn to the Update Report, which summarised one more recent public submission, an additional condition and an additional one-off obligation to the Council.

In accordance with Procedure Rule 9.3, Mr Rob McClellan who had registered to speak in support the application, was present and delivered the speech in person.

In accordance with Procedure Rule 9.3, on behalf of Kennington Community Council, Cllr Charles Ellis, who had registered to speak in objection to the application, was present and delivered the speech in person.

The Ward Member was present and spoke to the application.

Resolved

- (A) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager in consultation with the Director of Law and Governance, with delegated authority to the Strategic Development and Delivery Manager or Planning Applications & Building Control Manager to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit;**

Table 1 - Heads of Terms for Section 106 Agreement/Undertaking

The following planning obligations have been assessed against Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and for the reasons set out in the officer's report are considered to be **necessary** to make the development acceptable in planning terms, are **directly related** to the development and are **fairly and reasonably related in scale and kind** to the development. In the event of a planning appeal, the approved Table 1 derived shall form the Council's CIL Compliance Statement along with any necessary additions and clarifications as may be required for the Planning Inspectorate.

Obligation No.	Planning Obligation Detail	Amounts (s)	Trigger Points (s)
KCC Obligations			
1	<p><u>Public Rights of Way (PROW)</u></p> <p>Project detail:</p> <p>Improvements to National Cycle Route 18 towards Ashford town centre and/or Footpath AU32 in order to enhance pedestrian and cycle connectivity to the site.</p>	<p>£33,000</p> <p>Indexation:</p> <p>BCIS General Building Cost Index from Oct 2016</p>	<p>Prior to the commencement of development.</p>
2	<p><u>Travel Plan Monitoring Fee</u></p> <p>Project details:</p> <p>Contribution towards the cost of monitoring compliance with the Travel Plan.</p>	<p>£1,000 per annum for a period of five years (£5,000 total)</p> <p>Indexation:</p> <p>Indexation applied from the date of the resolution to grant permission.</p>	<p>First payment prior to first opening of the retail unit to the public, with four subsequent annual payments.</p>

Other Obligations			
3	<p><u>Off-site woodland habitat creation</u></p> <p>Project detail:</p> <p>Contribution towards the creation of replacement broadleaf woodland planting to mitigate the impact of the habitat loss resulting from the development.</p>	<p>£5,000</p> <p>Indexation:</p> <p>Indexation applied from the date of the resolution to grant permission.</p>	<p>Prior to the commencement of development.</p>
4	<p><u>Monitoring Fee</u></p> <p>Contribution towards the Council's costs of monitoring compliance with the Agreement or undertaking and reporting.</p>	<p>£500, once only.</p> <p>Indexation:</p> <p>Indexation applied from the date of the resolution to grant permission.</p>	<p>Prior to the commencement of the development.</p>

Notices must be given to the Council at various stages in order to aid monitoring. All contributions are index linked in order to maintain their value. The Council's and Kent County Council's legal costs in connection with the deed must be paid.

PLEASE NOTE:

If an acceptable deed is not completed within 12 months of the committee's resolution, the application may be reported back to Planning Committee and subsequently refused. Depending upon the time it takes to complete an acceptable deed the amounts specified above may be subject to change.

(B) PERMIT

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018.

Conditions

1. Standard time condition
2. Approved plans
3. Approval of materials above slab levels
4. Approval of architectural detailing
5. Approval of details of the green roof
6. Details of the management of unexpected contamination found during construction
7. Approval of contamination verification report
8. Approval of archaeological field evaluation, recording and post-excavation assessment and publication.
9. Compliance with the submitted Flood Risk Assessment or Approval of a detailed surface water drainage scheme, based on the submitted FRA.
10. Approval of a surface water drainage scheme verification report.
11. Approval of measures to ensure no discharge of surface water onto a public highway.
12. Approval of details of sewage disposal.
13. Approval of Construction Environment Management Plan
14. No occupation until the parking areas and cycle parking have been provided. Parking/cycle parking shall thereafter be retained.
15. All Electric Vehicle chargers to be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection)
16. No occupation until vehicle loading/unloading and turning facilities provided. Vehicle loading/unloading and turning facilities shall thereafter be retained.
17. No occupation until the highway improvements are in place (site access, signalisation of the Cemetery Lane junction, junction of Simone Weil Avenue/A28 Canterbury Road, installation of the identified SCOOT system along A28 Canterbury Road). Addition of a signalised pedestrian crossing of Bybrook Road at its junction with Canterbury Road prior to first occupation, unless agreed to be unfeasible by Kent Highways.
18. Lighting to be installed in accordance with the Lighting Plan.
19. Landscaping to be installed in accordance with the Landscaping Plan.
20. Approval of details of the management of deliveries to the site.
21. Hours of use restricted to between 07:00hrs and 22:00hrs Monday - Saturday and between 10:00 and 17:00 on Sundays and Bank Holidays.
22. Deliveries to the store to be made between 05:00hrs and 23:00 hrs Monday-Sunday.
23. No construction activities other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank/Public Holidays.
24. Ecology conditions relating to a dormouse mitigation strategy, reptile translocation, a Biodiversity Method Statement, a Construction Environment Management Plan (CEMP), a Landscape & Ecological Management Plan (LEMP) and a bat sensitive lighting plan.
25. Fibre to the premises

26. Restriction of sales of comparison goods
27. Restriction of the net internal sales area of the retail store
28. Restriction of the use of the unit for convenience/comparison food retail and ancillary non-food retail only.
29. Removal of permitted development rights.
30. Building to be constructed to BREEAM Very Good standard, including submission of post-completion assessment.
31. Approval of details of proposed land levels and earthworks
32. Implementation and review of the submitted Travel Plan.

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 site visit, was provided with pre-application advice, the application was acceptable as submitted and no further assistance was required. 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. 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.

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 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/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

3. The applicant is advised that any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. 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.

Queries concerning these Minutes? Please contact Democratic Services
Telephone: 01233 330564 Email: democraticservices@ashford.gov.uk
Agendas, Reports and Minutes are available on: <http://ashford.moderngov.co.uk>

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