

<b>Application Number</b>	15/01448/AS
<b>Location</b>	23 Tufton Street, Ashford, Kent, TN23 1QN
<b>Grid Reference</b>	00949/42710
<b>Ward</b>	Victoria
<b>Application Description</b>	Demolition of existing building within conservation area and redevelopment of site to provide mixed use building of 1x office unit (B1) and 14x residential units.
<b>Applicant</b>	LBSH (Ashford) Limited
<b>Agent</b>	Miss B Coyle, The JTS Partnership, 44 St Peters Street, Canterbury, CT1 2BG
<b>Site Area</b>	0.05 hectares

(a) 45/5R	(b) -	(c) KHS – X EHN – X ES (REFUSE) – X HE – X PO (Drainage) – X KCC (ARCH) X SW – X CACF - R
-----------	-------	--

#### Second Consultation

(a) 45/3R	(b) -	(c) KHS – X ES (REFUSE) – X HE – X SW - X
-----------	-------	--

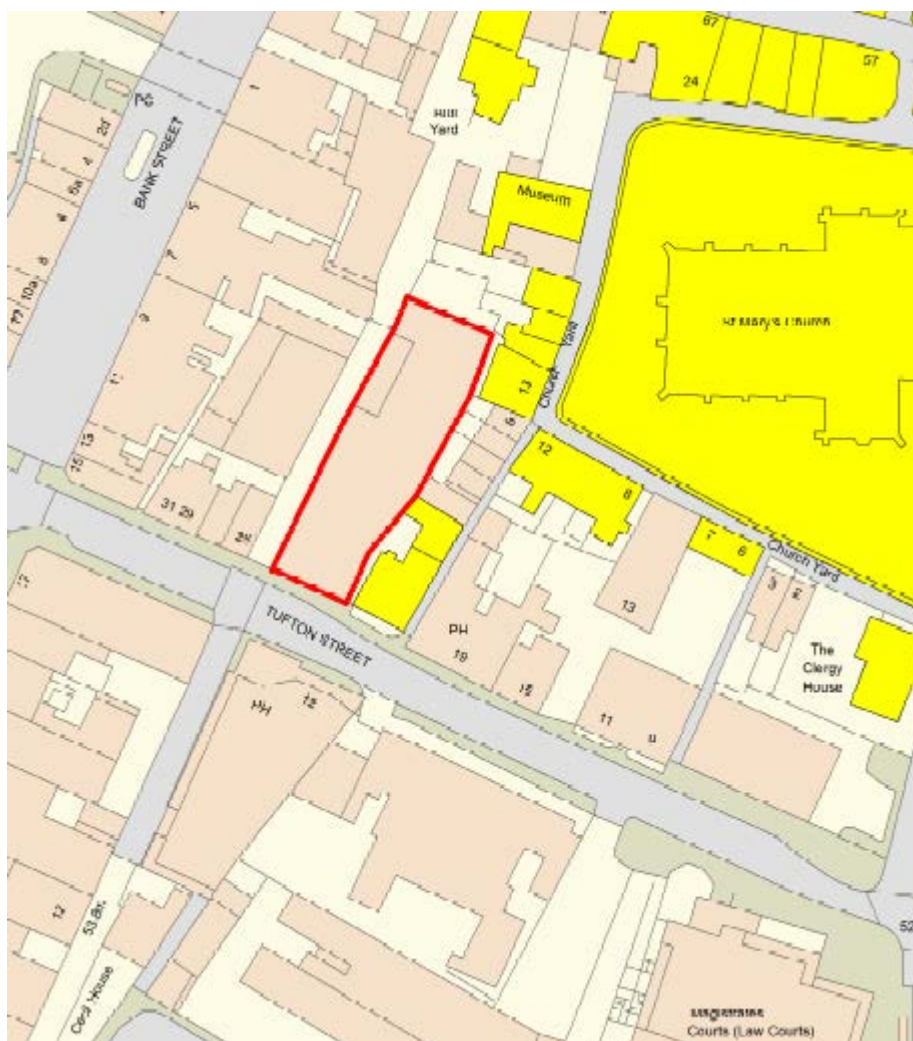
## Introduction

1. This application is reported to the Planning Committee because it involves the erection of more than 10 dwellings and is therefore a major development that requires determination by the Planning Committee under the Council's scheme of delegation.

2. A revised set of plans were sought by Officers as the original plans contained a number of inaccuracies. The substance of the proposals has not changed and full re-consultation has taken place.

## Site and Surroundings

3. The application site is located within the historic core of Ashford town centre in an area that is characterised by its tight urban grain and the high quality of many of its buildings. Situated within the centre of the designated Town Centre Conservation Area (the boundaries of which have recently been reviewed), the site is located within close proximity to the Grade I listed St Mary's Church and the Grade II\* listed museum building (The Doctor Wilks Memorial Hall) both of which are to the east and accessed via Church Yard/Church Yard Passage.
4. The application site comprises a number of semi-derelict buildings that were formerly in use as a place of worship, although they have been vacant for some time. The existing building comprises a collection of joined buildings. They include a 'main' building, with a parapet frontage onto Tufton Street, with a curved metal roof and various flat roof 'add-ons' to the rear. The 'Main' building measures 5.7m in height with the rear portions varying between 3.9 and 6.4 metres.
5. Together these buildings occupy the entire site and provide a continuous frontage onto Bulls Yard to the north. Some of the roof structures have been removed although most of the metal roof remains intact. Immediately to the east lies 21 Tufton Street, a grade II listed (C18th) building of two storeys, currently in a commercial use as an undertakers. Further to the north, the site also adjoins the rear boundary of number 13 Church Yard (Talbot House) another Grade II listed building which is part of a larger listed group. In between these listed properties lie numbers 4-8 Church Yard Passage which are residential properties and although not listed are historic buildings of character that add intrinsic value to this part of the Conservation Area.
6. St Mary's Church lies approximately 26m to the east of the site, the spire of which can be seen from the corner of Bank Street and Tufton Street above the buildings that occupy the application site with views to the west. As such, the church tower is a prominent landmark acting as a marker of the historic centre, assisting orientation within the town centre.
7. A site plan showing the application site in its context is shown in Figure 1 below. The Listed structures are marked in yellow.



**Figure 1: Site Location Plan**

8. The character of this part of Tufton Street is mixed with a variety of buildings of different heights (between 1 and three stories) and styles which have evolved into a range of uses. Bull Yard forms a narrow private track along the western boundary of the site, servicing the rear of properties fronting Bank Street and the High Street. On the other side of Bull Yard to the application site lies a derelict shell to a building, the equivalent of 1.5 stories in height, which is used for parking. Immediately to the east of the site along Tufton Street is the listed undertaker's building, a small two storey cottage, which has a similar ridge height to the building currently on the application site. Along the eastern side of this cottage is Churchyard Passage, a narrow pathway which forms an historic route to the church yard. The Swan Public House (two 'high' full stories with living accommodation in the roof space) encloses the far side of Churchyard Passage.

9. Although the quality and style of buildings is variable; those buildings in Bull Yard; Churchyard Passage and Church Yard are traditional in form; generally two storeys in height with steeply pitched clay tile roofs and a rich palette of high quality natural materials including hand-made red/pink brick; white painted brickwork; render and some traditional white weatherboarding.
10. The building itself, which is proposed to be demolished, provides a rendered and somewhat overbearing and unattractive frontage onto Tufton Street. This view is endorsed by the Council's recently adopted Town Centre Conservation Area Appraisal (2016), which specifically states that the western end of Tufton Street does not respond positively to the character of the cluster of adjoining historic buildings (and their settings) or create a unity of townscape. This is attributed to the scale, mass, roofscape, fenestration and materials of the large scale commercial and community buildings of the 60's and 70's, which includes the application site. The CA appraisal concludes that this part of the Conservation Area is consequently in need of enhancement as redevelopment opportunities come forward.
11. In light of this, a number of clear constraints are identified which are as follows:
  - Grade I listed St Mary's Church; Grade II\* museum in Church Yard and Grade II listed properties in Churchyard Passage and the Church Yard.
  - Tightness of urban grain to the rear of the site: some walls of the existing structure form the garden walls of properties in Churchyard Passage.
  - Views of St Mary's Church from surrounding streets (corner of Bank Street and Tufton Street). Although it is accepted that the redevelopment of this site is likely to obscure more of the church tower in this view, maintaining a view of part of the church tower would be desirable to aid place making.

## **Proposal**

12. Full planning permission and Conservation Area consent for demolition is sought for the following:
  - The demolition of the existing derelict buildings.
  - Redevelopment of the site to provide a mixed-use building comprising a small office B1(c) development (81m<sup>2</sup>) and 14 residential units (12 x two bedroom apartments and 2 x one bedroom apartments). The development is proposed to be split across four floors including a sub-ground floor level.

- The development proposal is for one large building that would extend the full length and width of the site. The building itself is proposed to be broken up into two key parts. The front part of the building would be three storeys above ground with a basement that fronts on to Tufton Street. Behind the Tufton Street frontage the building would drop to two storeys above ground with a basement level. The building would be of a rectangular, simple form with a white render and natural stone finish. There would be a significant number of window openings along the horizontal axis's.

The office would be accessed via Tufton Street with the apartments solely accessed from Bulls Yard to the north.

- The applicant is proposing no on site car parking provision. There would be 24 cycle parking spaces within an assigned store located within the ground floor of the building.
- A modern design approach has been taken with the applicant proposing to utilise an off white render system. Areas of the walls to the public and semi-public facades of Tufton Street and Bulls Yard would also incorporate a light grey natural stone, which would also be utilised within the areas of hard landscaping. Fenestration would be aluminium with a matt finish to match the render. Galvanized steel sheeting is proposed to the permanent planters at the front/rear gardens/patio spaces.
- Amended plans have been received to deal with technical issues and inconsistencies identified on the drawings originally submitted.
- The proposed site layout and elevations are detailed below:



Figure 2: Proposed site layout



Figure 3: Proposed frontage onto Tufton Street

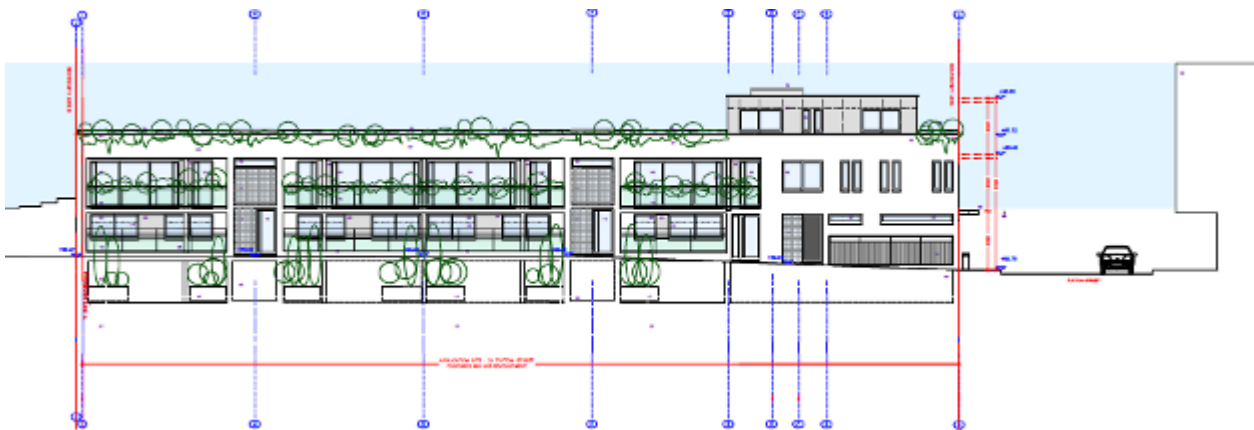
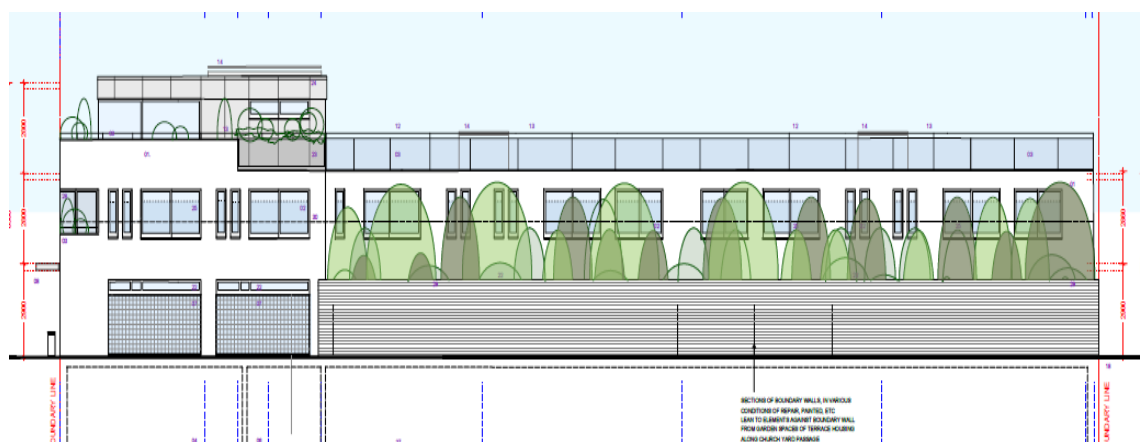


Figure 4: Proposed elevation to Bull Yard



Figure 5: Proposed side elevation south/east



**Figure 6: Proposed side elevation north/west**

18. The front part of the proposed new building would extend the full width of the application site (approximately 11.75 metres) and have a maximum height of 8.5m high. The modern design would have a strong horizontal emphasis to the fenestration. Behind the front section, the building would drop in height to maintain a 5.7m height above the ground level (excluding the sub-ground apartments).
19. A number of documents and reports have been submitted in support of this application. These are summarised below:

### **Statement of Community Involvement**

- Local residents, Ashford Borough Council's Planning Department and other stakeholders have been consulted through the holding of a public consultation evening prior to the submission of this application.
- The report includes comments raised from local residents and responds to the issues raised. The report concludes that overall, the attendees were reasonably content with the principle of development and the proposals.
- The applicant has fulfilled its obligation to consult with other stakeholders and has given all comments received due consideration responding to each and justifying where no changes to the proposals are considered necessary.

### **Design and Access Statement**

- The application submission addresses the wide range of prevalent issues concerning the strategic and creative regeneration of vacant, previously

developed land within town centre locations – with the associated benefits of established infrastructure, local amenities and mature transport systems.

- The submission is in close agreement with the current local and national Government guidelines for the proactive repair and regeneration of neglected, under-utilised town centre plots. The application design is sensitive to the prescribed limitations of its immediate surroundings and respectful of the key urban planning issues, such as: appropriate uses(s), scale, privacy/overlooking and architectural treatment within the eclectic, historic town centre. The achieved application design is a sensitive and meaningful discourse between progressive mixed-use projects of exceptional environmental regard within an interesting, varied urban setting.
- Although modest in scale, the application proposal actively promotes an array of worthwhile urban regeneration principles – in an interesting series of design initiatives.

### **Heritage Statement**

- The application site is within the historic core of Ashford Town Centre. The buildings on site contain 19th and 20th century material, they are dilapidated and partly demolished and are unsightly detracting from the character and appearance of the Conservation Area.
- The site is within the wider setting of St Mary's Church a grade I listed building, whose spire provides iconic views from many parts of the town. The site is not, however, within the immediate setting of the Church which is defined by the properties round Church Yard, nor is it visible from any part of the churchyard.
- Tufon Street has buildings in mixed uses, predominantly public, commercial or retail. They exhibit a wide range of styles, dates, building forms, and building materials. There is no compelling reason to follow or imitate a particular style of building and the introduction of a well-designed, innovative and sustainable contemporary building on the site that respects the setting of historic buildings is welcomed.
- It is concluded that the new development will represent a positive improvement to the character and appearance of Ashford Conservation Area. It has no impact on the immediate setting of St Mary's Church or any material impact on its wider setting. The site does not currently contribute to the setting of the heritage assets in Church Yard Passage, and the impact of the proposals on the significance of these buildings will be slight.



## Planning History

The relevant planning history is listed below:

**15/00160/AS** – Demolition of existing building within conservation area and proposed redevelopment of site to provide mixed use building of 1 x retail unit, 1x B1 (Office) unit and 9 x residential units comprising a mix of flats and houses. The applicant withdrew this application.

## Consultations

### First round of consultation

**Ward Members:** There are two Ward Members Councillor Apps and Councillor Farrell. Council Apps is a member of the Planning Committee. Neither Ward Member has commented on this application to date.

**Kent Highways and Transportation:** No objection stating that the development would be located within a sustainable location, which has parking, controls in place. Requests that the following be secured by condition:

- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use commencing.
- The proposed buildings to have a minimum clearance of 2.1 metres above the footway and not project within 0.6 metres of the carriageway edge.
- No doors or windows opening over /onto the highway.
- Construction Management Plan to include the following:
  - (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) Details of site access point(s) for construction
  - (e) Temporary traffic management / signage

**Environment Agency:** No comments received

**Environmental Health Manager:** No objection.

**Environmental Services (refuse):** comments that the refuse and recycling servicing points and access are required to be in line with the Council's guidance and policies.

**Historic England:** No comment stating that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

**Project Office (Drainage):** Request further information.

**KCC Archaeology:** No objection subject to conditions

**Southern Water:** No objection

**Central Ashford Community Forum:** Objects on the following grounds;-

- No proposals to control parking
- Lack of information on construction management
- Impact upon residential amenity along Church Yard Passage
- Lack of community involvement

**Neighbours:** 45 neighbours consulted, 4 objections received. The following issues have been raised:

- The plans are wrong showing an additional storey which has never existed

**[HDSS&D Manager Comment:** Amended plans were sought to address technical inaccuracies and a full re-consultation carried out]

- The proposed new building is too high and too long.
- Overdevelopment of the site
- The proposed building would block natural light into the rear gardens of churchyard passage.
- The proposed scheme is too dense.

- No parking provided as part of the proposed development
- Issues over emergency services access to the proposed building
- The materials and design proposed are not complimentary to the Conservation Area
- Visual impact of the development
- Adverse impact upon highway safety and inconvenience to road users.
- Impact upon residential amenity

**Second round of consultation (corrected plans)**

**Kent Highway Services** - No objection subject to conditions

**Environmental Services** – No objection

**Historic England** – No comment

**Southern Water** - No objection

**Neighbours:** 45 neighbours consulted, 2 objections received. The following issues have been raised:

**Objection comments**

- Bull Yard is a private right of way not as referred to in the plans as a public access to the High Street
- Existing plans show an additional storey which has never existed at the rear of the property
- The original Tufton Street structure was built in such a way to allow light into the rear of the properties in the Churchyard
- Overbearing and too bulky for the site
- The proposal is too modern and doesn't take into account its surroundings in the Conservation Area or that it is surrounded by Grade I and Grade II listed buildings
- Impact upon the residential amenity along Church Yard Passage.

## **Planning Policy**

The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016, the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present, the policies in this emerging plan can be accorded little or no weight.

The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

EN16 – Development in Conservation Areas

HG5 – Sites not on the proposals map

TP6 – Cycle parking

LE5 – Equipped public open space (policy formally saved but standards and thresholds superseded)

LE6 – Off site provision of public open space (policy formally saved but standards and thresholds superseded)

LE9 – Maintenance of open space

### **Local Development Framework Core Strategy 2008**

CS1 – Guiding principles to development

CS2 – The Borough wide strategy

CS3 – Ashford Town Centre

CS9 – Design Quality

CS13 – Range of dwelling types and sizes

CS15 – Transport

CS18 – Meeting the Community’s Needs

CS19 – Development and flood risk

CS20 – Sustainable Drainage

CS21 – Water supply and treatment

**Town Centre Area Action Plan 2010**

TC1 – Guiding Principles

TC2 – The Town Centre Core

**Local Plan to 2030 (Draft)**

SP1 – Strategic objectives

SP5 – Ashford Town Centre

SP6 – Promoting High Quality Design

HOU3 – Residential development in Ashford urban area

HOU12 – Residential space standards

EMP1 – New employment uses

TRA3(a) – Parking Standards for Residential Development

COM1 – Meeting the Community’s Needs

ENV4 – Light Pollution and Promoting Dark Skies

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

1. The following are also material to the determination of this application:-

### **Supplementary Planning Guidance/Documents**

Residential Space and Layout SPD 2010

Residential Parking and Design SPD 2010

Sustainable Drainage SPD 2009

Public Green Spaces and Water Environment SPD 2012

Sustainable Design and Construction SPD 2010

Dark Skies SPD 2014

### **Conservation Area Appraisal and Management Plan**

Ashford Town Centre Conservation Area Appraisal and Management Plan 2016

### **Other Guidance**

Informal Design Guidance Notes 1- 4 (2015)

### **Government Advice**

#### National Planning Policy Framework 2012

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

The Government also attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The NPPF also states that one of the Government's Core Planning Principles is to conserve heritage assets, including Conservation Areas and listed buildings, in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations. The Government states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The Government advises local planning authorities to take account of the different roles and character of different areas and always seek to secure high quality design. In determining applications, the Government advises that local planning authorities should identify and assess the particular significance of a Conservation Area affected by a proposal (including by development affecting its setting) and that when considering the impact of a proposed development on a Conservation Area, great weight should be given to its conservation.

#### National Planning Policy Guidance

#### Technical Housing Standards – nationally described space standard

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

## **Assessment**

20. The main issues for consideration are
  - a) Principle of the development
  - b) Impact upon visual amenity, the Conservation Area and the setting of the nearby listed buildings.

- c) Impact upon residential amenity
- d) Parking
- e) Other issues – e.g. flooding, SUD's, archaeology, refuse.
- f) Whether planning obligations are necessary

### **Principle of development**

21. Central Government advice contained within the National Planning Policy Framework (NPPF) promotes the concentration of commercial/retail and residential development within town centres, making the best use of urban land in the process.
22. Government policy recognises the need to significantly boost the supply of housing and states that changes to residential uses can be appropriate where there is a need for housing and an absence of strong economic reasons why such a development would be unacceptable. It is also largely recognised that housing development in established town centres can help the town centre economy and reduce the need to travel.
23. The NPPF provides concise government planning policy guidance with a presumption in favour of sustainable development to be seen as “a golden thread running through decision-taking” (para 14). For decision taking this means:
  - approving development proposals that accord within the development plan; and,
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
    - any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework, taken as a whole; or
    - specific policies in the framework indicate development should be restricted.
24. In light of the above, government and indeed local planning policy requires the Council to approve the application unless the harm significantly and



demonstrably outweighs the benefits and/or specific policies within the NPPF indicate otherwise.

25. Notwithstanding this, the site is not an allocated housing site and is therefore considered within the context of a windfall development. Policy HG5 of the Ashford Borough Local Plan states that residential development on windfall sites (of five dwellings or more) will be permitted on unallocated sites within the town centre where the following criteria are met:
- a) The location provides residents with easy opportunities to walk or cycle when travelling to work, school, shopping, community and leisure facilities;
  - b) Does not result in the displacement of other uses such as employment, leisure or community uses for which there is a need in the area;
  - c) Does not result in town cramming and is of good design.
26. Policy CS3 of the LDF Core Strategy envisages that the future development of Ashford town centre will encompass additional residential and employment development.
27. Development Plan policy and Central Government guidance seeks to preserve the character of existing town centres and ensure that a wide range of uses are provided. Development within town centres is also seen as an opportunity to improve the environment and as such development must therefore be considered sustainable and reduce the need to travel as far as possible in line with the key Government objective. The site is located within the Town Centre Core which I consider to be a sustainable location which is accessible via a range of transport modes and is well placed in terms of shopping and other community and leisure uses serving day-to-day needs. It is considered that criteria a) of HG5 are therefore satisfied.
28. Criteria b) of HG5 and Policy CS18 of the Core Strategy seek to meet the community's need by resisting the loss of existing community facilities unless they are no longer required. The existing building has been vacant since the previous use as a place of worship relocated. It is considered that as there is an absence of interest in continuing the community use it is not considered that the proposal would result in the loss of a facility required to meet the community's needs. Further, the proposal includes the provision of an employment generating use in the form of an office, which is welcomed and will further offset the loss of the previous use.

29. Criteria c) which relates to the design of the proposal is considered in the subsequent section of this report.
30. In light of the above, and the fact that the existing buildings are of poor quality visually and functionally, the proposal complies with policies HG5, CS3 and CS18 and therefore there is no objection in principle to the redevelopment of this site for residential and employment uses.

**Impact upon visual amenity, the character of the Conservation Area and the setting of the adjacent listed buildings.**

31. Both the Development Plan and the NPPF strongly highlight the importance of good design and make it clear that planning permission will not be granted for development proposals that are poorly designed in terms of their scale, density, height, layout, massing, and detailing.
32. Furthermore when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990). With respect to any buildings or other land in a conservation area, special attention must also be paid to the desirability of preserving or enhancing the character or appearance of that area.
33. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

‘General duty as respects conservation areas in exercise of planning functions. In the exercise (of its duty to determine applications) with respect to any buildings or other land in a conversation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.’
34. The aims of the Act lead directly into NPPF which sets out that where the application would lead to substantial harm to the Conservation Area the Local Planning Authority should refuse consent unless it can be demonstrated that either one of the following two situations apply:
  - (i) the nature of the heritage asset prevents all reasonable uses of the site; and

- (ii) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - (iii) conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - (iv) the harm or loss is outweighed by the benefit of bringing the site back into use.
35. The existing building on the site is not of any great age, character or architectural importance and does not contribute positively to the current street scene and the visual amenity of the area or the Conservation Area as a whole. I consider that its presence is unfortunate and that providing any redevelopment achieved the aims of the policies highlighted above I do not consider that the loss of the building would be harmful to the visual amenity of the area. A building that merely maintains the status quo would however fail to adequately take account of this important redevelopment opportunity and should not be accepted as the NPPF places emphasis on taking all opportunities to enhance the built environment as does Core Strategy Policy CS9.
34. There is no objection to the principle of a modern design approach, which has been accepted nearby in other parts of the Conservation Area. Indeed, when executed well a modern architectural solution can sit comfortably within an historic environment.
35. Given the relatively modest width, the principle elevation fronting onto Tufton Street is considered to be acceptable in height, width and its overall modern design approach.

One of the guiding principles of TC1 of the Ashford Town Centre Area Action Plan is that development proposals should:

‘Create an attractive and vibrant main streets by achieving appropriate building forms fronting these streets, with active ground floor frontages, proportionate heights and uses that respond to the agreed hierarchy of streets and open spaces.’

Paragraph 2.21 of the of the Ashford Town Centre Area Action Plan states that:

‘Proposals coming forward within the Quarter (which this site is part of) will need to conserve or enhance the character of the Conservation Area and its setting, with new development being required to be in keeping and sympathetic to its setting, including its buildings, patterns of streets and lanes and its essentially intimate scale.’

The relationship of the frontage to the street at ground floor level leaves much to be desired. Notwithstanding the glazed entrance doors the ground floor elevation has no visual dialogue with the street and would present an almost blank façade and inactive frontage contrary to the aims of CS9 and TC1.

36. The side elevations of the building, as stated above, would run along the entire depth of the site and would be higher than the existing building by 2.6m at the front of the building fronting on to Tufton street, 0.6m across the middle section and 2.2 m to the rear of the building. It is noted that the applicant proposes to drop the building into the ground in order to reduce the overall impact of the scale, and that the use of glazing and balconies goes some way to break up the visual impact however, this does not in my opinion go far enough to reduce the significant scale and massing that would result due to the lack of variance in height here. As such it would be an oppressive and overbearing form of development to those living in Churchyard Passage.
37. The proposed rear element of the building, which sees an overall increase in height of a maximum 2.2 metres, would have a significant impact on the setting of St Mary’s Church. The scale of the building would have benefitted from setting away from the eastern boundary and lowering, resulting in a building which steps up towards Tufton Street to ensure that it does not compete with and detract from this important part of the Conservation Area and the setting of the nearby listed buildings which are considerably smaller in their scale. Its massing also needs breaking up to reflect the massing of adjoining historic development.
38. The applicant does propose landscaping to help screen the development from the dwellings along Churchyard Passage however this is seen as an unacceptable approach as details have not been provided to the Council. As there are no details we have no reassurance that the proposed landscaping would survive given the lack of space and details therefore is inappropriate.
39. The submitted scheme in its current form would in my opinion therefore be a missed opportunity to preserve and enhance the Conservation Area, contrary to CS9, CS3 and the aims of the NPPF and to make a positive contribution to the local character. The proposed building would not represent a sympathetic

or appropriate form of development in relation to the adjacent listed buildings. I therefore do not consider that the proposal represents good design.

40. It is noted that the applicant has intimated that viability has largely dictated the number of residential units sought which in turn has resulted in the overall scale of the building currently proposed. Whilst viability is a material consideration, no evidence to demonstrate this has been forthcoming and therefore it cannot be taken into consideration. In any event, scheme viability is not a reason in itself to override the requirement for high quality design or the protections afforded to the Conservation Area and settings of listed buildings.
41. In light of the above, the development proposed would fail to respond positively to the context of the area resulting in visual harm. In addition the development would neither preserve or enhance the character of the Conservation Area and would fail to preserve the setting of the listed buildings located around the churchyard or St Mary's Church itself. This is at odds with the requirements of the Development Plan (EN16), the NPPF and the Councils statutory duty. The development is therefore unacceptable as a result.

#### **Impact upon residential amenity**

42. Development that fails to protect residential amenity and that which would likely damage significantly people's ability to enjoy their homes will not be permitted. It is noted that a number of the objections to this application are from the residents of the properties located within Church Yard Passage/Churchyard who have raised concerns that the development would harm their residential amenity.
43. Given the tight urban grain that characterises this part of the town centre the site is extremely close to rear elevations of a number of residential dwellings. Whilst the dwellings located around Church Yard/Church Yard Passage are already impacted to a large degree by the existing building located within the application site due to their close proximity and size of the building, that said an acceptable replacement building should appropriately mitigate against additional harm to the residential amenity of the occupiers.
44. The aforementioned overbearing nature of the proposed side elevation that would face the back of these dwellings would further impact upon their small courtyard gardens (which measure between 3-4 metres in depth) that serve these properties in an unacceptable way.

45. The mid-section of the building would be set back from the common boundary by approximately 3.7 metres allowing for a strip of landscaping (details to be submitted) to help screen the development and lessen the impact on neighbours. It is also proposed that a 3.5 metre high wall would be erected. If the landscaping fails which is entirely possible in this sheltered location, this will leave an issue of residential over-looking that would impact most severely on 4-8 Church Yard Passage. This has therefore been inadequately considered by the applicant and cannot be supported due to the lack of certainty of it providing any meaningful solution.
46. It is therefore considered that the proposed development has not adequately dealt with issues of residential amenity. If permitted the development would unacceptably impact upon the ability of the occupiers of the dwellings immediately adjacent to the development to enjoy their homes and should be refused on this basis.
47. Turning to the amenity of the future occupiers of the development, the proposal would comply with the residential space standards in terms of internal room sizes and overall internal space. In addition all of the apartments would have an area of private outside space in the form of a balcony or courtyard garden which is appropriate and in accordance with the councils SPD. In terms of space standards the development would therefore comply.

### **Parking**

48. The scheme does not propose any on site car parking as it is located within a sustainable central location, with good access to public transport (bus and train) and is within a Controlled Parking Zone. This approach is consistent with that taken with other sites in the town centre and is compliant with the Council's maximum parking standards.
49. KCC Highways and Transportation have raised no objections to the scheme.
50. Notwithstanding this, the applicant has suggested that a car club scheme could be implemented for residents, which could be further explored and secured by condition if the scheme was to be considered acceptable. Furthermore, the application incorporates secure cycle storage for future residents in line with the Council's requirements.
51. I am therefore satisfied that the development would not be harmful to highway safety.

**Other issues – e.g. flooding, SUD’s, archeology, refuse**

52. The site lies outside of floodzones 2 and 3 and is not subject to flooding. In respect of surface water management it is also important to consider that the site is currently developed and predominantly covered in hard surfaces resulting in the existing site discharging surface water at a much higher rate than an undeveloped site.
53. The applicant has provided limited information regarding the management of surface water from the site. This is required to ensure that surface water will not increase as a result of the development and provide a betterment of the status quo. Given the concerns that have been raised by officer full drainage details have not been requested. Should Members decide to grant planning permission for this development it is recommended that this is subject to full details of an adequate drainage system being provided.
54. Whilst no details of refuse storage have been provided with the application it is considered that appropriate bin storage can be accommodated within the site. This could be dealt with by planning condition.
55. The site of the application lies within the historic core of Ashford which is considered to have been a medieval market town. It lies close to the Church of St Mary’s (Grade I Listed Building) and fronts several of the historic and Listed Buildings around the churchyard. This is a sensitive area in terms of historic buildings and their settings. In terms of archaeology, there may be remains associated with medieval or post medieval activity surviving on site. St Mary’s Church is considered to date from 13th century and may represent the early medieval settlement core as well as the foci of the medieval market town. The application site is within the area which would have been well utilised as the medieval town developed. There is potential for archaeology to survive below ground. It would be appropriate for the development to be preceded by a programme of archaeological works. This could be dealt with by condition.

**Whether planning obligations are necessary**

56. There are a number of planning obligations considered to be necessary. These are listed below:
  - Libraries
  - Outdoor sports provision

- Allotments
- Natural Green Space
- Children's and young people's play space
- Cemeteries
- Strategic parks

Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all 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. Accordingly, they may be a reason to grant planning permission in this case.



**Table 1**

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	Allotments project	<p><b>£258</b> per dwelling for capital costs</p> <p><b>£66</b> per dwelling for maintenance</p>		<p><b>Necessary</b> as allotments are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use allotments and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				maintenance period is limited to 10 years.
2.	Children's and Young People's Play Space project	<p>£649 per dwelling for capital costs</p> <p>£663 per dwelling for maintenance</p>		<p><b>Necessary</b> as children's and young people's play space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play space and the play space to be provided would be available to them.</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.
3.	Informal/Natural Green Space project	<p><b>£434</b> per dwelling for capital costs</p> <p><b>£325</b> per dwelling for maintenance</p>		<b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p><b>Directly related</b> as occupiers will use informal/natural green space and the space to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
4.	Outdoor Sports Pitches project	<p><b>£1,589</b> per dwelling for capital costs</p> <p><b>£326</b> per dwelling for maintenance</p>	Upon occupation of 75% of the dwellings	Necessary as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), Ashford Town Centre AAP policy TC27 (if applicable), Public Green Spaces

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
5.	Strategic Parks project	<p><b>£146</b> per dwelling for capital costs</p> <p><b>£47</b> per dwelling for maintenance</p>		<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 (if</p>

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>applicable), Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers will use strategic parks and the facilities to be provided would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
6.	Libraries Contribution towards: bookstock at Ashford Library for the initial impact of new residents of this development.	Library bookstock <b>£672.22</b>	Upon occupation of 75% of the dwellings	Necessary as no spare library space available to meet the demand generated and pursuant to Core Strategy policies CS8 and CS18, Urban Sites and Infrastructure DPD policy U24 (if applicable), KCC Guide to

6.30

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
				<p>Development Contributions and the Provision of Community Infrastructure and guidance in the NPPF</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of dwellings</p>
7.	Cemeteries project	<p><b>£284</b> per dwelling for capital costs</p> <p><b>£176</b> per maintenance costs</p>		<p>Necessary as strategic parks are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Core Strategy policies CS1, CS2, CS18 and CS18a, Urban Sites and Infrastructure DPD policy U24 (if applicable), Public Green Spaces and Water Environment SPD and</p>

Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)
			guidance in the NPPF.
8.	<p>Monitoring Fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	<p><b>£1000</b> per annum until development is completed</p>	<p>First payment upon commencement of development and on the anniversary thereof in subsequent years (if not one-off payment)</p> <p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Notices will have to be served on the Council at the time of the various trigger points in order to aid monitoring. All contributions to be index linked as set out on the <a href="#">council web site</a> in order to ensure the value is not reduced over time. The costs and disbursements of the Council's Legal Department incurred in connection with the negotiation, preparation and completion of the deed are payable. The Kent County Council may also require payment of their legal costs.</p> <p>If an acceptable agreement/undertaking is not completed within 3 months of the committee's resolution to grant, the application may be refused.</p>			



## **Human Rights Issues**

57. I have also taken into account the human rights issues relevant to this application. In my view, the “Assessment” section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

58. In accordance with paragraphs 186 and 187 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 as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

59. The NPPF states that in determining planning applications located within Conservation Areas local planning authorities should take into account the desirability of the new development making a positive contribution to local character and distinctiveness.
59. The redevelopment of the site for residential and office purposes is considered to be acceptable in principle. I have taken account of the public benefits of additional development here in terms of additional revenue from additional dwellings and the economic benefits to local retail and commercial businesses that would arise from additional construction. However, in this instance the development is contrary to the development plan for a number of reasons with no adequate justification to warrant departure from it.
60. The proposal would cause significant visual harm and adversely affect the character of the Conservation Area and would have a detrimental impact upon the setting of the surrounding listed buildings.
61. The scale, massing and bulk of the proposed development is inappropriate for the tight urban fabric, would be overbearing, and would cause harm to residential amenity.

62. In respect of matters relating to parking, the proposed development is in line with the requirements of policy. It would be inappropriate to reuse the application on these grounds, The development would not be harmful to highway safety.
63. The applicant has not entered into the required S106 Agreement for those matters set out in Table 1 given that the proposed recommendation is for refusal. This also needs to form part of the reason for refusal as the measures / contributions sought are necessary to mitigate some of the harm that the development would otherwise give rise to.
64. The development would fail to comply with policy EN16, HG5, LE5, LE6 and LE9 of the Ashford Borough Local Plan 2000, policies CS1, CS2, CS3, CS9 and CS18 of the Ashford Core Strategy 2008, policies TC1 and TC2 of the Town Centre Area Action Plan 2010 and policies SP1, SP5, SP6, HOU3, HOU12 and COM1 of the Ashford Local Plan (regulation 19 version – note this is a draft document and therefore whilst it is a material consideration it does not form part of the development plan). As a result the development would fail to comply with the development plan as a whole.

## **Recommendation**

### **Refuse**

#### **on the following grounds:**

1. The proposal is contrary to policies EN16, HG5, LE5, LE6 and LE9 of the Ashford Borough Local Plan 2000; Policies CS1, CS2, CS3, CS9 and CS18 of the Core Strategy 2008; Policies TC1 and TC2 of the Ashford Town Centre Area Action Plan (date), the National Planning Policy Framework and The Public Green Spaces & Water Environment SPD 2012 and would therefore constitute development contrary to the interests of acknowledged planning importance for the following reasons:
  - a) The scale of development proposed would result in a building of an unacceptable level of bulk and massing resulting in visual and functional harm to the character of the area.
  - b) The proposal would result in over-intensive development for this site and cause over-shadowing and have an over-bearing impact on adjacent properties along Churchyard Passage, negatively impacting upon their residential amenity.

- c) The development as a result of the visual harm would neither preserve or enhance the character of the Ashford Town Centre Conservation Area. It would not preserve or enhance the character or appearance of the Conservation Area. The development would also be harmful to the setting of the Listed Buildings located along Churchyard Passage.
- d) The necessary planning obligation has not been entered into in respect of the list below so that the proposed development is unacceptable by virtue of failing to mitigate its impact and failing to meet demand that would be generated:
- Libraries
  - Outdoor sports provision
  - Allotments
  - Natural Green Space
  - Children's and young people's play space
  - Cemeteries
  - Strategic parks
  - Monitoring fee

## **Note to Applicant**

### **1. Working with the Applicant**

#### **Working with the Applicant**

In accordance with paragraphs 186 and 187 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 applicant was provided the opportunity to submit amendments to the scheme/ address issues but failed to do so.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 15/01448/AS.

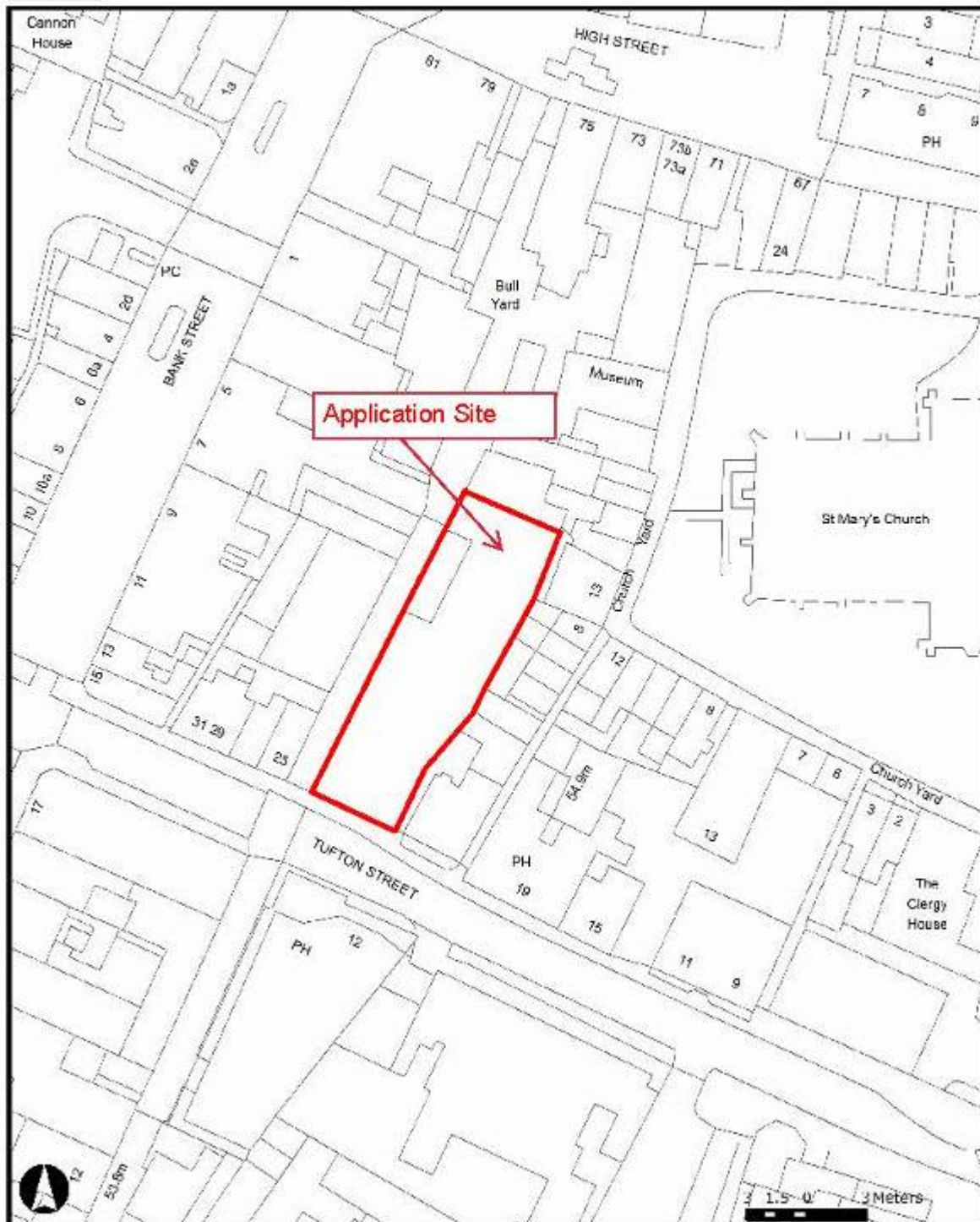
**Contact Officer:** Michael Scaplehorn    **Telephone:** (01233) 330202

**Email:** michael.scaplehorn@ashford.gov.uk

Annex 1



# Ashford Borough Council



All rights reserved. Licence Number 100024427

The product includes mapping data from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. Crown copyright. All rights reserved.